



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## AGENDA - REGULAR MEETING

Date: January 21, 2004

Time: Closed Session 5:45 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Pending Litigation – Eminent Domain acquisition of 15 West Elm Street, Lodi, CA; the negotiating parties are City of Lodi and Frank Hall, Owner; Government Code §54956.8

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### C-4 Return to Open Session / Disclosure of Action

#### A. Call to Order / Roll call

#### B. Invocation – Reverend Michael Voytek, Providence Reformed Church

#### C. Pledge of Allegiance

#### D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)

#### E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$3,710,451.30 (FIN)

E-2 Approve minutes (CLK)

- a) December 16, 2003 (Shirtsleeve Session)
- b) January 6, 2004 (Shirtsleeve Session)
- c) January 6, 2004 (Special Meeting)
- d) January 13, 2004 (Shirtsleeve Session)
- e) January 13, 2004 (Special Meeting, 7:00 a.m.)
- f) January 13, 2004 (Special Meeting, 5:30 p.m.)
- g) January 13, 2004 (Adjourned Special Meeting, 5:30 p.m.)

- E-3 Set public hearing for February 18, 2004, to consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Public Hearings**

- Res. G-1 Public hearing to consider resolution authorizing the reallocation of \$50,000 of unobligated Community Development Block Grant funds to the Salvation Army (CD)
- Res. G-2 Public hearing to consider resolution adopting Engineer's Report, confirming the assessments, overruling protests and declaring assessment ballot results and annexing territory to a maintenance assessment district and forming zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1) (PW)

**H. Communications**

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments
- a) Post for vacancies on the Lodi Arts Commission and Parks and Recreation Commission (CLK)
- H-4 Miscellaneous
- a) Monthly Protocol Account Report (CLK)

**I. Regular Calendar**

- Res. I-1 Adopt resolution approving the use of Lodi Lake by BoardStock Promotions, Inc. (PR)
- I-2 Update from Mayor Larry Hansen regarding audit (agreed-upon procedures) of Envision Law Group's billings
- I-3 Discussion and possible action regarding the positions of Interim City Attorney and City Attorney and the retention of special counsel to advise and assist the City Attorney's Office as assigned (CC)
- I-4 Discussion and action regarding Phase II budget adjustment options (CM)
- Res. I-5 Adopt resolution authorizing the City Manager to provide a Public Benefits Program grant to fund Lodi's 2<sup>nd</sup> annual *Get Green Weekend* event (not to exceed \$25,000) (EUD)

**J. Ordinances**

- Ord. J-1 Ordinance No. 1741 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Sections 12.06.070 'Exclusions from Benefit Fees,' 12.06.090 'Collection of Benefit Fee,' and 3.01.460 'Enforcement' Relating to Exclusions, Collection, and Enforcement of Various Fees"
- (Adopt)
- Ord. J-2 Ordinance No. 1742 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals and Welfare, Chapter 9.08 'Offenses Against Property' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating To Vehicles"
- (Adopt)

- K. Comments by the City Council Members on non-agenda items**
- L. Comments by the City Manager on non-agenda items**
- M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk



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## **CITY OF LODI COUNCIL COMMUNICATION**

### **AGENDA TITLE**

**Presentation by the Greater Lodi Area Youth Commission  
regarding Teen of the Month Program**

**MEETING DATE: January 21, 2004**

**PREPARED BY: Greater Lodi Area Youth Commission Coordinator**

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**RECOMMENDED ACTION:** Presentation.

### **BACKGROUND INFORMATION:**

The Greater Lodi Area Youth Commission, in conjunction with Central Valley Waste Services, Inc., is sponsoring a program entitled Teen of the Month. The Lodi Youth Commission selects one teen to be awarded this honor from the applications submitted to the commission from the general public, various schools and church groups. The Teen of the Month for January 2004 is Seamus Gormley from Tokay High School.

**FUNDING:** None required.

Mike Areida  
Greater Lodi Area Youth Commission Coordinator



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims Dated Jan 6, 2004 in the Amount of \$3,710,451.30  
And Payroll in the Amount of \$1,115,892.20

**MEETING DATE:** 01/21/04

**PREPARED BY:** K Bell

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**RECOMMENDED ACTION:** That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$3,710,451.30 dated Jan 6, 2004, which includes PCE/TCE payments of \$233.95

**FUNDING:** As per attached report.

\_\_\_\_\_  
Vicky McAthie, Finance Director

Attachments

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Accounts Payable  
Council Report

Page  
Date  
Amount

- 1  
- 01/06/04

As of Thursday	Fund	Name	
12/18/03	00100	General Fund	621,198.28
	00102	Facade Program	2,700.00
	00123	Info Systems Replacement Fund	1,016.09
	00160	Electric Utility Fund	35,169.88
	00161	Utility Outlay Reserve Fund	1,984.56
	00164	Public Benefits Fund	2,766.48
	00170	Waste Water Utility Fund	19,882.90
	00172	Waste Water Capital Reserve	7.30
	00180	Water Utility Fund	20,117.39
	00181	Water Utility-Capital Outlay	3,993.98
	00210	Library Fund	3,394.35
	00211	Library Capital Account	687.15
	00234	Local Law Enforce Block Grant	248.91
	00235	LPD-Public Safety Prog AB 1913	4,896.27
	00270	Employee Benefits	12,210.41
	00300	General Liabilities	5,000.00
	00310	Worker's Comp Insurance	20,314.44
	00320	Street Fund	5,050.00
	00325	Measure K Funds	116,262.76
	00326	IMF Storm Facilities	20.10
	00327	IMF(Local) Streets Facilities	5,821.16
	00332	IMF(Regional) Streets	11,375.70
	00457	Hud-2001/02	732.06
	00458	Hud-2002/03	29,491.26
	01211	Capital Outlay/General Fund	1,172,340.59
	01212	Parks & Rec Capital	23,966.94
	01250	Dial-a-Ride/Transportation	133,429.94
	01410	Expendable Trust	13,480.18
Sum			2,267,559.08
	00183	Water PCE-TCE	134.25
Sum			134.25
Total for Week			
Sum			2,267,693.33

Accounts Payable  
Council Report

Page - 1  
Date - 01/06/04  
Amount

As of Thursday	Fund	Name	Amount
12/25/03	00100	General Fund	197,733.29
	00160	Electric Utility Fund	158,891.38
	00161	Utility Outlay Reserve Fund	14,900.22
	00164	Public Benefits Fund	3,626.00
	00170	Waste Water Utility Fund	14,071.17
	00180	Water Utility Fund	1,247.83
	00181	Water Utility-Capital Outlay	64.41
	00210	Library Fund	4,857.55
	00270	Employee Benefits	313,901.32
	00300	General Liabilities	6,158.54
	00310	Worker's Comp Insurance	15,910.96
	00325	Measure K Funds	67,579.50
	00326	IMF Storm Facilities	3.22
	00327	IMF(Local) Streets Facilities	18,190.70
	00332	IMF(Regional) Streets	1,963.24
	01211	Capital Outlay/General Fund	6,534.43
	01212	Parks & Rec Capital	320.95
	01250	Dial-a-Ride/Transportation	5,135.75
	01410	Expendable Trust	34,575.00
Sum			865,665.46
	00183	Water PCE-TCE	84.00
Sum			84.00
Total for Week			
Sum			865,749.46

Accounts Payable  
Council Report

Page - 1  
Date - 01/06/04  
Amount

As of Thursday	Fund	Name	Amount
01/01/04	00100	General Fund	415,447.12
	00102	Facade Program	906.57
	00103	Repair & Demolition Fund	505.00
	00123	Info Systems Replacement Fund	79.73
	00160	Electric Utility Fund	27,920.91
	00161	Utility Outlay Reserve Fund	1,230.51
	00164	Public Benefits Fund	45,197.19
	00170	Waste Water Utility Fund	17,142.38
	00171	Waste Wtr Util-Capital Outlay	1,202.94
	00172	Waste Water Capital Reserve	38,094.67
	00180	Water Utility Fund	2,316.33
	00210	Library Fund	6,369.02
	00234	Local Law Enforce Block Grant	7,806.99
	00235	LPD-Public Safety Prog AB 1913	2,243.15
	00326	IMF Storm Facilities	4,020.31
	00457	Hud-2001/02	351.68
	01211	Capital Outlay/General Fund	1,264.57
	01212	Parks & Rec Capital	2,072.00
	01250	Dial-a-Ride/Transportation	41.29
	01410	Expendable Trust	2,546.50
Sum			576,758.86
	00183	Water PCE-TCE	15.70
Sum			15.70
Total for Week			
Sum			576,774.56



## Council Report for Payroll

Page -

1

Date -

01/06/04

Payroll	Pay Per Date	Co	Name	Gross Pay
-				
Regular	12/21/03	00100	General Fund	828,529.13
		00160	Electric Utility Fund	149,876.04
		00161	Utility Outlay Reserve Fund	2,250.69
		00164	Public Benefits Fund	4,185.37
		00170	Waste Water Utility Fund	59,264.74
		00180	Water Utility Fund	7,304.65
		00210	Library Fund	31,289.05
		00235	LPD-Public Safety Prog AB 1913	1,335.82
		01250	Dial-a-Ride/Transportation	2,415.08
Pay Period Total:				
Sum				1,086,450.57
Retiree	01/31/04	00100	General Fund	29,441.63
Pay Period Total:				
Sum				29,441.63



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes – December 16, 2003 (Shirtsleeve Session), January 6, 2004 (Shirtsleeve Session), January 6, 2004 (Special Meeting), January 13, 2004 (Shirtsleeve Session), January 13, 2004 (Special Meeting, 7:00 a.m.), January 13, 2004 (Special Meeting, 5:30 p.m.), and January 13, 2004 (Adjourned Special Meeting, 5:30 p.m.)

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council approve the minutes of December 16, 2003 (Shirtsleeve Session), January 6, 2004 (Shirtsleeve Session), January 6, 2004 (Special Meeting), January 13, 2004 (Shirtsleeve Session), January 13, 2004 (Special Meeting, 7:00 a.m.), January 13, 2004 (Special Meeting, 5:30 p.m.), and January 13, 2004 (Adjourned Special Meeting, 5:30 p.m.), as prepared.

**BACKGROUND INFORMATION:** Attached are copies of the minutes of December 16, 2003 (Shirtsleeve Session), January 6, 2004 (Shirtsleeve Session), January 6, 2004 (Special Meeting), January 13, 2004 (Shirtsleeve Session), January 13, 2004 (Special Meeting, 7:00 a.m.), January 13, 2004 (Special Meeting, 5:30 p.m.), and January 13, 2004 (Adjourned Special Meeting, 5:30 p.m.), marked Exhibit A, B, C, D, E, F, and G, respectively.

**FUNDING:** None required.

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Susan J. Blackston  
City Clerk

SJB/JMP

Attachments

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, DECEMBER 16, 2003**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, December 16, 2003, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

**B. CITY COUNCIL CALENDAR UPDATE**

City Clerk Blackston reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Discussion regarding Public Benefits Program grant for the Lodi Next Generation Home Project"

Rob Lechner, Manager of Customer Service and Programs, stated that the Lodi Next Generation Home Project would be funded through the City's Public Benefits Program. He introduced members of the audience including property owner Gary Buzunis, Gary Heedirik with Energy Doctor, and J.P. Batmale with the Great Valley Center. He explained that the concept of the project is to lease or rent a home in Lodi and retrofit it with state-of-the-art energy efficiency products and materials, e.g. wall and attic insulation, EnergyStar appliances and electronic products, ceiling fans, fluorescent lighting, sky lighting, dual paned windows, solar panels and hot water heating, grey water systems, heating and air conditioning with 18 SEER (Season Energy Efficiency Rating) or greater, low-flow toilets and shower heads, faucet aerators, drip irrigation, and drought tolerant plants. Staff plans on opening the home to students (fourth grade and higher), the San Joaquin Delta College HVAC and Mechanical class, homeowners, renters, developers, and general contractors.

Mr. Lechner noted that the Public Benefits Program would not fully fund the project and in-kind contributions will be solicited from mechanical contractors, home furnishing stores, appliance dealers, and landscape professionals. The house at 840 South Church Street is approximately 60 years old, has three bedrooms, and is 1,800 square feet. One of the bedrooms will be used as a conference room. It will be open from 8:00 to 5:00 p.m. Monday through Friday and two or three Saturdays each month from 8:00 to 11:00 a.m. The rent will be \$1,500 per month paid for through the Public Benefits Program budget. Of the \$125,000 from the Public Benefits Program, approximately \$50,000 would be expended during the 27-month project from January 2004 to March 2006. He estimated the cost of utilities, cable, and phone lines at \$50,000. The contract for Energy Doctor is \$20,000 and the balance of \$55,000 would be used for energy efficiency improvements. Mr. Lechner reported that the Great Valley Center has assured Electric Utility of a \$5,000 grant toward the project.

Council Member Howard asked if residents surrounding the home had been notified of the proposed project, to which Mr. Lechner replied that they had not. Ms. Howard and Council Member Land emphasized the importance of notifying the neighbors and mentioned that there may be impacts such as school buses and parking to be considered.

Mr. Lechner replied that school buses would be parked only for a limited time to drop off and pick up the students. He mentioned that it is planned to have the capability to charge the two vehicles that he and Kathy Brown, Programs Coordinator with Electric Utility, utilize for City business. He reported that after the term of the lease the property reverts back to the owner. The home will be modified to meet all Americans with Disabilities Act requirements.

In reply to Mayor Hansen, Mr. Lechner reported that once the project term has ended all the equipment that is not permanently affixed to the home would be removed. He hoped to have all the energy efficiency improvements made to the home by April 1. In order for it to be designated as a demonstration house, Mr. Lechner's office would be established at the property.

Mayor Pro Tempore Beckman pointed out that Mr. Buzuniz would be getting a lot of improvements done on his property that he would be able to keep once the project ends. He asked whether this would be an offset to the rent payments. In addition he asked to be provided with the specific dollar amount for the permanent improvements to the property and how that would translate into real equity value.

PUBLIC COMMENTS:

- Mr. Buzuniz described the process he went through to locate a home which met Electric Utility's specifications. He reported that with the rent amount of \$1,500, he would lose \$355 a month after taking into account the mortgage payment, taxes, insurance, and interest rate as owner non-occupied.

Mayor Hansen also asked that Council be provided with a financial accounting of all projected expenses, the value of permanent improvements to the home, etc.

Mr. Lechner commented that as of November 30 the Public Benefits Program had a balance of \$644,000.

- Kathy Grant preferred that it be a long-term project and the house be purchased by the City instead of rented. She asked whether there would be measurement of how much the utility bill decreased each month after the improvements were made to the home, to which Mr. Lechner answered in the affirmative. She recommended that the project also include retrofit for storm water runoff, water meters, and landscaping engineered to be less impervious.

In response to Mayor Hansen, Mr. Lechner reported that the proposed contract includes a lease option on the house for one additional year. He mentioned that staff hopes to have another piece of property lined up for a similar project in 2006.

- Joe Pachino stated that he moved to Lodi about a year ago from Chicago where he owned 82 rental homes. He recently retired and was formerly an architectural designer. He mentioned that he would like to approach Council in the future regarding an elderly assisted living project, which he believed would pay for itself through state and federal grants. Mr. Pachino and his associates have been working on a new pop-up gutter system that expends water over structures when a fire exists or is in close proximity. He suggested that this be incorporated into the project Council is now considering and he offered his services.
- Gary Heedirik of Energy Doctor noted that education is a primary component of the Public Benefits Program. He stated that the Program has provided rebates for various items, though it was recently discovered to offer very little benefit. He explained that there is an order in which improvements should be done based on the existing condition of a house and the consumer's need. The concept behind the House-as-a-System Home Inspection is to identify that order for homeowners. He proposed that, if this project proves to be successful, the City purchase a house and retrofit it every two years.

In reference to Ms. Grant's earlier recommendation, Mr. Lechner stated that staff's intent is to work closely with the City water conservation team to address landscaping and associated issues, which will be included as part of the project. He also indicated that before and after utility usage measurements will be conducted and available to interested persons.

Mayor Hansen suggested that a public hearing be held on this matter to allow surrounding residents to voice their concerns and input regarding the project.

Council Member Land recommended that a specific notice be mailed to property owners within a 300-foot radius surrounding the project to determine interest prior to scheduling a public hearing.

City Manager Flynn commented that it might be a good idea to present the project to the Planning Commission before bringing it back to Council.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:05 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 6, 2004**

The January 6, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 6, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of January 6, 2004, was called to order by Mayor Hansen at 7:05 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

B. CLOSED SESSION

At 7:05 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

The Closed Session adjourned at 8:30 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:30 a.m., Mayor Hansen reconvened the Special City Council meeting, and City Attorney Hays disclosed the following:

In regard to Item B-1, Council provided direction regarding Case No. CIV-S-00-2441 FCD JFM and established a committee to renegotiate the contract between the City of Lodi and Envision Law Group and return to Council with a recommendation.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:30 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 13, 2004**

The January 13, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk



**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of January 13, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

CITY COUNCIL CALENDAR UPDATE

City Clerk Blackston reviewed the weekly calendar (filed).

DISCUSSION

City Manager Flynn reported that after last Wednesday's Council meeting he spoke with the Mayor who advised him that he was considering terminating the contracts with the City Attorney and Envision Law Group. The Mayor recommended that the City hire an attorney to advise Council on the legal ramifications of such action. Mr. Flynn contacted Bob Murphy of Kronick Moskovitz Tiedemann and Girard law firm and arranged for him to meet with the Mayor last Thursday afternoon. Mr. Flynn informed Council that Mr. Murphy would arrive this morning at 7:30 a.m.

Addressing Mr. Flynn, Council Member Howard recalled that Council had given direction to him that information regarding any communication or direction from one Council Member would be passed on to all Members. Ms. Howard stated that the first she heard about this matter was last Friday. She asked why Council was not informed last Wednesday of the direction given by the Mayor.

Mr. Flynn replied that he had overlooked it, due to a heavy work schedule.

Addressing Mayor Hansen, Council Member Howard asked why he did not feel this matter (i.e. retaining the services of outside counsel) warranted consideration by the entire Council.

Mayor Hansen explained that the City Manager has authority to expend a certain amount of funds without seeking Council approval. He felt that because this was an important and complicated matter it would be prudent for Council to obtain legal advice before making a decision.

MOTION:

Mayor Hansen made a motion, Hitchcock second, to retain the services of attorney Bob Murphy to advise Council during its deliberation on the matter being considered today.

DISCUSSION:

Council Member Land noted that the agenda title description did not contain information regarding hiring an outside attorney.

Council Member Hitchcock believed that the motion was related to the agenda topic listed.

In reply to Mayor Pro Tempore Beckman, Mr. Flynn confirmed that he has the authority to make expenditures up to \$5,000 without Council approval and could have sought paid legal advice to assist him in his capacity as chief administrator for the City. For this reason, Mayor Pro Tempore Beckman did not believe the motion was necessary and consequently, whether or not it was listed on the agenda was a moot point. He spoke in support of Council having the advice of an attorney to be apprised of all the legal ramifications surrounding the matter being considered today.

Council Member Howard reported that the Mayor had made a statement to her about his intent during a phone call on Friday. She interpreted that to mean that his decision had been made. She reiterated her assertion that Council should have been given an opportunity to discuss the option of hiring an attorney.

Council Member Land stated that he had not even had an opportunity to review the attorney's résumé or determine whether he was the most qualified to provide the service.

Mayor Hansen suggested that after Council has an opportunity for initial discussion in closed session this morning, if a majority did not wish to have Mr. Murphy advise Council, he would not be invited in.

In answer to Mayor Pro Tempore Beckman, Mr. Flynn stated that he hired attorney Bob Murphy under his own authority.

Council Member Howard expressed concern for adhering to stipulated processes and procedures. She believed that Council had an opportunity for improvement in this area today.

Mayor Hansen reiterated that seeking advice this morning from outside legal counsel is an option for Council. If a determination is made that it is not desired or needed by Council, then Mr. Murphy would not be invited into closed session. He noted that Council had been provided with a copy of the transcript from the January 12, 2004, court proceeding before Judge Damrell (filed).

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman\*, Hitchcock, and Mayor Hansen

Noes: Council Members – Howard and Land

Absent: Council Members – None

*\*NOTE: Mayor Pro Tempore Beckman abstained from voting on this matter without stating a reason, and in accordance with Lodi Municipal Code Section 2.04.140, it was recorded as an affirmative vote.*

Mayor Hansen excused the City Manager and City Attorney from the meeting.

B. CLOSED SESSION

At 7:16 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Public Employee Performance Evaluation/Discipline/Dismissal/Release  
(Government Code §54957)

Title: City Attorney

Title: Envision Law Group

The Closed Session adjourned at 9:01 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 9:02 a.m., Mayor Hansen reconvened the Special City Council meeting and disclosed that Council has adjourned the meeting to 5:30 p.m. this evening.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None

E. ADJOURNMENT

At 9:02 a.m. the meeting was adjourned to January 13, 2004, at 5:30 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of January 13, 2004, was called to order by Mayor Hansen at 5:35 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

DISCUSSION

Following discussion, Council concurred to consider this matter prior to the Adjourned Special Meeting topic of public employee performance evaluation/discipline/dismissal/release of City Attorney and Envision Law Group, which was scheduled for the same date and time.

PUBLIC COMMENTS:

- Tim Howard advocated for an atmosphere of constructive and meaningful communication for all the City's government officials. He recommended that Council expedite scheduling the team-building sessions to be facilitated by Pastor Dale Edwards, to allow Members an opportunity to discover commonalities and come to an agreement on principles and practices. He believed that harmonious relations between government officials could best be achieved by friendly conferences where intelligence and arbitration takes the place of the sometimes irrational and cruel methods of the past. Cooperation is a practical necessity in carrying out the specialized and complicated political processes of modern society. Failure of Council to effectively communicate hangs a melancholy gloom over the entire City. Distress over current difficulties in the City may cause some to lose their power of reasoning, patience, ability to control emotion, and possibly to begin blaming others for the present situation. Responsibility to serve the public includes extending encouragement, cooperation, discernment, integrity, and kindness toward one another. Adjustments made by political force, with one side or the other temporarily more powerful, cannot endure. The public always suffers through settlements dictated by the stronger interest, without guiding principles and reasonable timetables to which all can agree. Lodi needs one solid stance in its position as a City and its commitment to citizens. He requested that Council think clearly and respect one another so that each Member is able to openly participate in a leadership decision tonight for the betterment of the municipal government and citizens of today and tomorrow. He urged Council to try to communicate and work together before taking any significant actions.

B. CLOSED SESSION

At 5:48 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

The Closed Session adjourned at 10:54 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

*NOTE: Action is also related to January 13, 2004, Adjourned Special City Council meeting agenda item.*

At 10:55 p.m., Mayor Hansen reconvened the Special City Council meeting and disclosed the following action:

In regard to Item B1, on a motion of 32 (NOES: Howard, Land) Council terminated, effective immediately, the contracts between 1) the City of Lodi and Randall A. Hays (City Attorney) and 2) the City of Lodi and Envision Law Group (Resolution No. 2004-13); and will request a continuance before Judge Damrell in United States District Court on January 14, 2004, for the purpose of evaluating the stipulation that the court suggested on January 12, 2004.

Council Member Howard noted that the litigation matter had been heard by various Councils and its Members for many years. Over the last several months there has been an interest to change the strategy, which culminated today with considerable discussion, thought, and different opinions on how to handle the challenges. She felt that Council's decision was not one that best reflected the various thoughts, guidance, and input that were expressed today and over the last several months. She expressed concern that the outcome may result in short-term satisfaction for some and long-term heartache for the City of Lodi.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:57 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
ADJOURNED SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JANUARY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Adjourned Special City Council meeting of January 13, 2004, was called to order by Mayor Hansen at 5:35 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

B. CLOSED SESSION

*NOTE: See minutes of the January 13, 2004, Special City Council meeting for related discussion and time of initial adjournment to closed session.*

B-1 Public Employee Performance Evaluation/Discipline/Dismissal/Release  
(Government Code §54957)

Title: City Attorney

Title: Envision Law Group

The Closed Session adjourned at 10:54 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

*NOTE: Action is also related to January 13, 2004, Special City Council meeting agenda item.*

At 10:55 p.m., Mayor Hansen reconvened the Adjourned Special City Council meeting and disclosed the following action.

In regard to Item B-1, on a motion of 32 (NOES: Howard, Land) Council terminated, effective immediately, the contracts between 1) the City of Lodi and Randall A. Hays (City Attorney) and 2) the City of Lodi and Envision Law Group (Resolution No. 2004-13); and will request a continuance before Judge Damrell in United States District Court on January 14, 2004, for the purpose of evaluating the stipulation that the court suggested on January 12, 2004.

Council Member Howard noted that the litigation matter had been heard by various Councils and its Members for many years. Over the last several months there has been an interest to change the strategy, which culminated today with considerable discussion, thought, and different opinions on how to handle the challenges. She felt that Council's decision was not one that best reflected the various thoughts, guidance, and input that were expressed today and over the last several months. She expressed concern that the outcome may result in short-term satisfaction for some and long-term heartache for the City of Lodi.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:57 p.m.

ATTEST:

Susan J. Blackston  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Set Public Hearing for February 18, 2004, to Consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line

**MEETING DATE:** January 21, 2004

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** That the City Council set a Public Hearing for February 18, 2004, to consider Reimbursement Agreement RA-03-04 for Harney Lane Sanitary Sewer Lift Station establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line.

**BACKGROUND INFORMATION:** As a condition of development, the developer of the Century Meadows One, Unit 2 subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station to provide sewer service for the subdivision project. To fulfill this requirement, the developer entered into an improvement agreement entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station", approved by City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. The developer of that subdivision, Harney Development LLC, was reimbursed by the City for the cost of those improvements. The City was subsequently reimbursed for those costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1.

The lift station, force mains and sewer trunk line will serve the developer's subdivision, as well as other properties in the Harney Lane Lift Station Service Area. In conformance with Chapter 16.40 of the Lodi Municipal Code (LMC), the developer has requested a reimbursement agreement and establishment of an area of benefit for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the reimbursement agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B.

The benefit area has been divided into two zones, A and B, as shown on Exhibit A. The reimbursable costs for Zone A include the lift station and associated force main improvements in Mills Avenue, as well as the sewer trunk line in Harney Lane. Reimbursable costs for Zone B include only the lift station and

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

associated force main improvement costs. The fair-share obligation for each property within each zone is shown on Exhibit B. The lift station costs are prorated based on the proportion of the parcel acreage to the total acreage of the total benefit area, Zones A and B (225.58 acres). The sewer trunk line costs are prorated based on the proportion of the parcel acreage to the total acreage of Zone A (62.1 acres).

The reimbursable costs shown on Exhibit A include future lift station improvements (curb, gutter, sidewalk, masonry wall and landscaping). Since the properties adjacent to the lift station site are outside the City limits and currently have no street frontage improvements, the street frontage improvements for the lift station site have been deferred until the adjacent properties develop. The developer has deposited the cost of those improvements, including engineering and administration fees, engineering plan check fees and engineering inspection fees, with the City and those costs have been included in the reimbursable costs. The costs shown on Exhibit B also include over-sizing costs to provide service to the portion of the lift station service area south of Harney Lane. The over-sizing costs have been paid directly to the developer by those property owners (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. Those costs have, therefore, been deducted from the total construction costs and are not included in the reimbursable costs. The total reimbursable costs for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line as shown on Exhibit B are \$766,133.75 and \$121,676.13, respectively.

The affected property owners within the Harney Lane Lift Station Service Area have been notified. The developer has paid the appropriate application fee and the fees to cover the cost of recording the reimbursement agreement. In conformance with LMC §16.40, staff recommends that Council set a public hearing to establish an area of benefit and reimbursable costs to recover the cost of the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line covered under Reimbursement Agreement RA-03-04.

Pursuant to LMC §16.40.50.A.3, the reimbursable amounts shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The initial ENR index to be used in the calculation is 6581. In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

**FUNDING:** Applicant fees and reimbursement fees collected from future developments.

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Richard C. Prima, Jr.  
Public Works Director

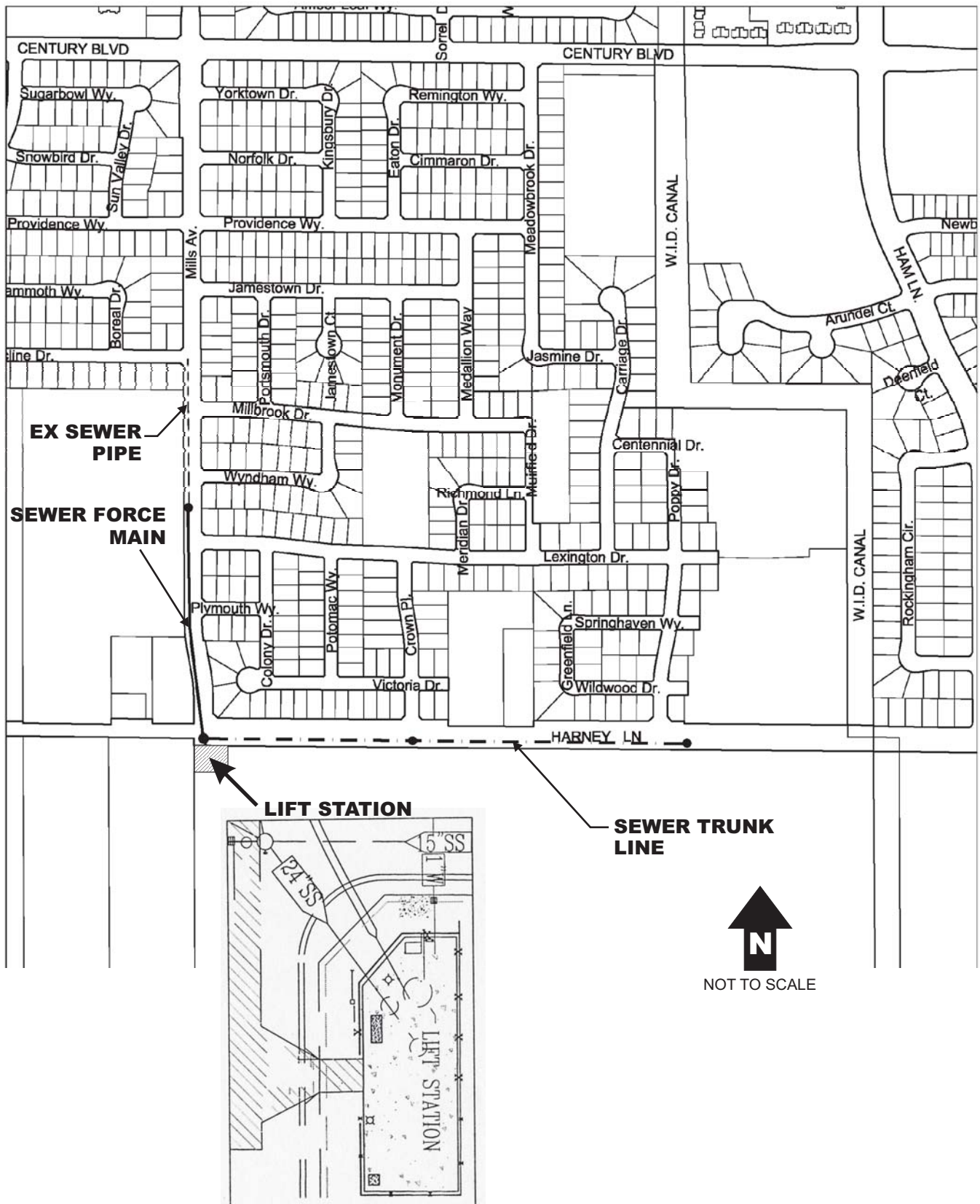
Prepared by Lyman Chang, Associate Civil Engineer  
RCP/LC/pmf  
Attachments  
cc: Senior Civil Engineer – Development Services  
K & W Development, LLC  
Baumbach & Piazza  
Mailing List



# CITY OF LODI

PUBLICWORKSDEPARTMENT

## EXHIBIT 1





WHEN RECORDED, RETURN TO:  
City Clerk  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

REIMBURSEMENT  
for  
HARNEY LANE SANITARY SEWER LIFT STATION  
AGREEMENT # RA-03-04

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and K & W DEVELOPMENT, LLC, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows One, Unit 2, Tract No. 2786 subdivision and has entered into an Improvement Agreement with the City dated December 30, 2002 to construct public improvements needed to serve the development, and

WHEREAS, as a condition of development for the Century Meadows One, Unit 2 subdivision, Developer was required to install the Harney Lane Sewer Lift Station to provide sewer service for the project; and

WHEREAS, Developer entered into a separate agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station" approved by the City Council on December 4, 2002; and

WHEREAS, the Applicant has constructed the Harney Lane sewer lift station and associated sanitary sewer trunk line east of Mills Avenue that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other property or would be required of those properties upon development; and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for engineering and administration, engineering design costs, engineering plan check fees, engineering inspection fees (2.5%) and the reimbursement application fee (1%). Total construction costs and costs attributable to the Benefit Area are shown on attached Exhibit B.
2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 2005 by the following formula:

## EXHIBIT 2

$(\text{ENR Jan. 1 of current year}) \div (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$

The initial ENR index for this agreement is 6581. The initial reimbursable amounts are shown on Exhibit B.

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, for a period of fifteen (15) years from the date of this agreement in conformance with LMC 16.40.060 and 16.40.070.
4. The Applicant shall pay the City \$5,782.06 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the total reimbursable construction costs, excluding engineering, administrative and other costs.
5. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00. The actual administration charge to be paid will be that in effect at the time of collection.
6. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
7. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Richard C. Prima, Jr.  
Public Works Director  
221 West Pine Street  
P. O. Box 3006  
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.

## EXHIBIT 2

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

K & W DEVELOPMENT, LLC

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(CORPORATE SEAL) \_\_\_\_\_  
Date \_\_\_\_\_

CITY OF LODI, A MUNICIPAL CORPORATION

By: \_\_\_\_\_  
Dixon H. Flynn, City Manager Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Susan J. Blackston, City Clerk Date \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Randall A. Hays, City Attorney



City of Lodi  
Public Works Department

Project: Harney Lane Lift Station

Engineer: Baumbach and Piazza

	<u>Lift Station</u>	<u>Trunk Line</u>	<u>Total</u>
Construction Cost	\$ 503,618.00	\$ 115,235.90	\$ 618,853.90
Contract Change Order	\$ 20,509.71	\$ (777.17)	\$ 19,732.54
Future Curb, Gutter and Sidewalk (225 LF @ \$36.00/LF)	\$ 8,100.00		\$ 8,100.00
Future Wall and Landscaping	\$ 78,800.00		\$ 78,800.00
10% Engineering and Administration	\$ 48,670.64	\$ 9,149.91	\$ 57,820.55
Application Fee	\$ 4,867.06	\$ 914.99	\$ 5,782.06
Engineering Plan Check Fees	\$ 13,363.50	\$ 2,759.00	\$ 16,122.50
Engineering Inspection Fees	\$ 17,524.50	\$ 3,513.00	\$ 15,471.35
Engineering Inspection Fees (Overtime)	\$ 157.20		\$ 157.20
City TV Inspection		\$ 2,865.00	\$ 2,865.00
Reimbursable Costs for Century Meadows Three, Unit 5	\$ 120,486.66		\$ 120,486.66
Construction Administration (Baumbach & Piazza)	\$ 34,000.00	\$ 2,500.00	\$ 32,580.00
Design Cost for the Harney Lane Lift Station (Baumbach and Piazza)	\$ 27,046.00		\$ 27,046.00
Soils Report (Neil Anderson)	\$ 3,800.00	\$ 3,400.00	\$ 7,200.00
Compaction testing (Neil Anderson)	\$ 10,765.00	\$ 5,440.00	\$ 16,205.00
Consultants Fee (SNG Associates)	\$ 11,304.73	\$ 2,070.27	\$ 13,375.00
<b>Total Cost</b>	<b>\$ 903,013.00</b>	<b>\$ 147,070.90</b>	<b>\$ 1,050,083.91</b>
<b>Fink Group Cost</b>	<b>\$ 136,879.25</b>	<b>\$ 25,394.77</b>	<b>\$ 162,274.02</b>
<b>Benefit Area Cost</b>	<b>\$ 766,133.75</b>	<b>\$ 121,676.13</b>	<b>\$ 887,809.89</b>

Zone	Site No.	Assessor's Parcel No.	Acreage	Lift Station Benefit Ratio	Lift Station Fees	Trunk Line Benefit Ratio	Trunk Line Fees	Total Fees
A	1	058-210-27	9.64	0.043	\$ 32,679.334	0.190	\$ 23,089.72	\$ 55,769.06
A	2	058-210-28	9.76	0.043	\$ 33,086.13	0.192	\$ 23,377.15	\$ 56,463.28
A	3	058-210-26	10.65	0.047	\$ 36,103.21	0.210	\$ 25,508.87	\$ 61,612.08
A	4	058-210-25	1.59	0.007	\$ 5,390.06	0.031	\$ 3,808.37	\$ 9,198.42
A	5	058-210-04	1.00	0.004	\$ 3,389.97	0.020	\$ 2,395.20	\$ 5,785.17
A	6	058-210-03	3.01	0.013	\$ 10,203.82	0.059	\$ 7,209.55	\$ 17,413.37
A	7	058-210-19	15.15	0.067	\$ 51,358.08	0.298	\$ 36,287.27	\$ 87,645.35
<b>Subtotal Zone A</b>			<b>50.80</b>	<b>0.225</b>	<b>\$ 172,210.60</b>	<b>1.000</b>	<b>\$ 121,676.13</b>	<b>\$ 293,886.73</b>
B	8	058-210-29	11.30	0.050	\$ 38,306.69			\$ 38,306.69
B	9	058-230-21	1.23	0.005	\$ 4,169.67			\$ 4,169.67
B	10	2017 W Harney Lane	0.88	0.004	\$ 2,983.18			\$ 2,983.18
B	11	2031 W Harney Lane	0.35	0.002	\$ 1,186.49			\$ 1,186.49
B	12	058-230-22	17.12	0.076	\$ 58,036.33			\$ 58,036.33
B	13	058-230-13	8.40	0.037	\$ 28,475.77			\$ 28,475.77
B	14	058-230-14	1.40	0.006	\$ 4,745.96			\$ 4,745.96
B	15	058-230-25	16.10	0.071	\$ 54,578.56			\$ 54,578.56
B	16	058-230-26	13.75	0.061	\$ 46,612.12			\$ 46,612.12
B	17	058-230-09	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	18	058-230-08	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	19	058-230-07	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	20	058-230-06	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	21	058-230-10	2.49	0.011	\$ 8,441.03			\$ 8,441.03
B	22	058-220-01 to 058-220-24	9.17	0.041	\$ 31,086.05			\$ 31,086.05
B	23	058-230-03	3.92	0.017	\$ 13,288.69			\$ 13,288.69
B	24	058-230-05	0.50	0.002	\$ 1,694.99			\$ 1,694.99
B	25	058-230-04	0.27	0.001	\$ 915.29			\$ 915.29
B	26	058-040-05	5.28	0.023	\$ 17,899.05			\$ 17,899.05
B	27	058-040-06	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	28	058-040-07	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	29	058-040-08	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	30	058-040-09	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	31	058-040-10	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	32	058-040-11	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	33	058-040-12	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	34	058-040-13	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	35	058-040-04	14.16	0.063	\$ 48,002.01			\$ 48,002.01
B	36	058-040-02	29.77	0.132	\$ 100,919.48			\$ 100,919.48
B	37	058-040-01	13.37	0.059	\$ 45,323.93			\$ 45,323.93
B	38	058-040-14	13.50	0.060	\$ 45,764.63			\$ 45,764.63
B	39	058-040-15	2.40	0.011	\$ 8,135.93			\$ 8,135.93
<b>Subtotal Zone B</b>			<b>175.20</b>	<b>0.775</b>	<b>\$ 593,923.16</b>			<b>\$ 593,923.16</b>
<b>Benefit Area Totals</b>			<b>226.00</b>	<b>1.000</b>	<b>\$ 766,133.75</b>	<b>1.000</b>	<b>\$ 121,676.13</b>	<b>\$ 887,809.89</b>

NOTES:

1. See Exhibit A for boundaries of Zones A and B and Site Numbers.
2. ZONE A fee includes costs for the Lift Station and 15" trunk line in Harney Lane. ZONE B fees include Lift Station costs only.
3. Lift Station Benefit Ratio is based on the proportion of the parcel acreage to the total acreage of the benefit area ( 225.58 acres).
4. Trunk Line Benefit Ratio for ZONE A for 15" sewer trunk line is based on the proportion of the parcel acreage to the total acreage of ZONE A (62.1 acres).
5. For Site Nos. 26, 35, 36 and 37, the acreage shown is the net acreage after deduction for the dedication of 35 feet of right-of-way along the parcel frontage on Lower Sacramento Road.
6. Application fee is based on 1 percent of the sum of the reimbursable construction costs.

## Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to consider the adoption of a Resolution authorizing the reallocation of \$50,000 of unobligated Community Development Block Grant (CDBG) funds to the Salvation Army

**MEETING DATE:** January 21, 2004

**PREPARED BY:** Community Development Director

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**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing and adopt a Resolution authorizing the reallocation of \$50,000 of unobligated CDBG funds from a completed project to the Salvation Army.

**BACKGROUND INFORMATION:** The City is seeking authorization to reallocate unobligated CDBG funds from a completed project, the Lodi Lake Handicapped Accessible Trail (LOD 01-16), to the Salvation Army for acquisition and project cost related to the shelter portion of the Hope Harbor Shelter Facility, located at 622 N. Sacramento Street.

The City Council has previously allocated \$200,000 of CDBG funds to the Salvation Army for acquisition and renovation of the food bank portion of the facility. The allocation to be considered at this Public Hearing is a new and separate project from what has been considered before and represents \$50,000 of the City's pledge of \$250,000 toward the Salvation Army's new shelter facility. A portion of this contribution will be used to offset permit and impact fees from the Community Development and Public Works Departments.

**FUNDING:** \$50,000 Acct.# 458216 LOD 01-16 Lodi Lake Handicapped Acc. Trail

\_\_\_\_\_  
Vicky McAthie, Finance Director

\_\_\_\_\_  
Konradt Bartlam  
Community Development Director

KB/jw

Attachments

cc: City Attorney  
SJC Community Development  
Salvation Army

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE REALLOCATION  
OF UNOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS FROM THE COMPLETED LODI LAKE HANDICAP ACCESSIBLE TRAIL  
PROJECT TO THE SALVATION ARMY

=====

WHEREAS, the Lodi City Council previously allocated \$200,000.00 of CDBG funds to the Salvation Army for acquisition and renovation of the food bank portion of the facility; and

WHEREAS, this allocation request is a new and separate project from what has been considered before and represents \$50,000.00 of the City's pledge of \$250,000.00 toward the Salvation Army's new shelter facility; and

WHEREAS, a portion of this contribution will be used to offset permit and impact fees from the Community Development and Public Works Departments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve reallocating \$50,000.00 of unobligated CDBG funds from a completed project to the Salvation Army.

Dated: January 21, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_





*Please immediately confirm receipt  
of this fax by calling 333-6702*

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

### ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER THE REALLOCATION OF \$50,000 OF  
UNOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS  
TO THE SALVATION ARMY

### LEGAL AD

PUBLISH DATE: SATURDAY, JANUARY 10, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

DATED: THURSDAY, JANUARY 8, 2004

ORDERED BY:

PATRICIA OCHOA  
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC  
DEPUTY CITY CLERK

JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 7:10 AM (time) on 1/8/04 (date) 2 (pages)  
Jac (initials) Phoned to confirm receipt of all pages at 11:42 (time) Jac Tricia Jen (initials)



## DECLARATION OF POSTING

### **PUBLIC HEARING TO CONSIDER THE REALLOCATION OF \$50, 000 OF UNOBLIGATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO THE SALVATION ARMY**

On Thursday, January 8, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider the reallocation of \$50,000 of unobligated Community Development Block Grant (CDBG) funds to the Salvation Army (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 8, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON**  
**CITY CLERK**

City of Lodi  
City Clerk  
Lodi, California

\_\_\_\_\_  
Jacqueline L. Taylor, CMC  
Deputy City Clerk

\_\_\_\_\_  
*Patricia Ochoa*

Patricia Ochoa  
Administrative Clerk

\_\_\_\_\_  
Jennifer M. Perrin, CMC  
Deputy City Clerk



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: January 21, 2004

Time: 7:00 p.m.

For information regarding this notice please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, January 21, 2004** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) to consider the reallocation of \$50,000 of unobligated Community Development Block Grant (CDBG) funds to the Salvation Army

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Susan J. Blackston  
City Clerk

Dated: January 7, 2004

Approved as to form:

Randall A. Hays  
City Attorney



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:**      **Public Hearing to Consider Resolution Adopting Engineer's Report, Confirming the Assessments, Overruling Protests and Declaring Assessment Ballot Results and Annexing Territory to a Maintenance Assessment District and Forming Zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1)**

**MEETING DATE:**      **January 21, 2004**

**PREPARED BY:**      **Public Works Director**

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**RECOMMENDED ACTION:**      That the City Council conduct a Public Hearing to consider a resolution for the following:

1. Adopting Engineer's Report;
2. Confirming the assessments;
3. Overruling protests and declaring assessment ballot results; and
4. Annexing territory to a maintenance assessment district and forming Zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1).

**BACKGROUND INFORMATION:**      On December 3, 2003, the City Council adopted the following resolutions regarding the formation of the Zone 2, Century Meadows One Assessment District, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

1. Resolution of Preliminary Determination to Annex Territory to the Maintenance Assessment District, to Form a Zone, to Levy an Annual Assessment for Cost Incurred and Preliminary Approval of Engineer's Report.
2. Resolution of Intention to Annex Territory to a Maintenance Assessment District, to Form a Zone, to Levy and Collect an Annual Assessment for Maintenance and Operation of Improvements and for Costs and Expenses and Setting Time and Place of Public Meeting and Public Hearing and Setting Forth Mailed Property Owner Ballot Procedure and Notice.

Developer of the Century Meadows One, Units Two and Three Subdivision, Tract Nos. 2786 and 3289, respectively, has elected to form an assessment district pursuant to the Landscaping and Lighting Act of 1972 for the purpose of installing and/or maintaining public improvements consisting of masonry block wall, landscaping and irrigation improvements, street parkway trees, and public park area. Included in the development's requirements is the replacement of the improvements at the end of its useful life.

The estimated annual assessment for the first year is \$205 per unit, and the maximum annual assessment is \$305. The maximum annual assessment is subject to a yearly cost adjustment of the greater of either 5% or the percentage increase of the Local Consumer Price Index. Subsequent annual assessments will be based upon contract bid prices and the Engineer's Report schedule of replacement costs.

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

Public Hearing to Consider Resolution Adopting Engineer's Report, Confirming the Assessments,  
Overruling Protests and Declaring Assessment Ballot Results and Annexing Territory to a Maintenance  
Assessment District and Forming Zone 2 (Century Meadows One Zone 2 Lodi Consolidated Landscape  
Maintenance Assessment District No. 2003-1)  
January 21, 2004  
Page 2

In order for the assessment to be successful under Proposition 218 requirements, a majority of the  
landowners who vote (calculated in terms of dollars of assessment) must vote in favor of the proposals.  
If a majority vote is not received, the district will not be formed. At this time, there is a single owner of the  
subdivision.

**FUNDING:** The developer is funding construction of the landscape improvements, masonry wall, and  
parkway trees that will be maintained by the Zone 2 assessments and is reimbursing the  
City costs for the engineering and legal services.

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Richard C. Prima, Jr.  
Public Works Director

Prepared by F. Wally Sandelin, City Engineer

RCP/FWS/pmf

Attachments

cc: Randy Hays, City Attorney  
Tim Hachman  
Dave Williams, Century Meadows One  
Mike Persak, Thompson-Hysell Engineers

**ENGINEER'S REPORT  
CENTURY MEADOWS ONE  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)  
CITY OF LODI**

**FISCAL YEAR 2004-2005**

**PREPARED BY:**

**Thompson-Hysell Engineers,  
a division of The Keith Companies, Inc.  
1016 12th Street  
Modesto, CA 95354**

**NOVEMBER 2003**

**ANNUAL ENGINEER'S REPORT  
FOR THE 2004-2005 FISCAL YEAR**

CENTURY MEADOWS ONE  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2  
CITY OF LODI  
(Pursuant to the Landscaping and Lighting Act of 1972)

The undersigned respectfully submits the enclosed annual report as directed by the City Council.

DATED: \_\_\_\_\_, 2004.

Thompson-Hysell Engineers  
Engineer of Work

BY:

Michael T. Persak  
RCE 44908

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report, together with Boundary Map, Assessment, and Assessment Diagram thereto attached, was filed with me on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Lodi, California on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

**I HEREBY CERTIFY** that the enclosed Annual Engineer's Report together with Assessment and Assessment Diagram thereto attached, was filed with the Auditor of the County of San Joaquin on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_, City Clerk, City of Lodi  
San Joaquin County, California

BY:

November 24, 2003

The Honorable Mayor and  
City Council of The City of  
Lodi, CA

To Whom It May Concern:

This report is prepared pursuant to and in compliance with the requirements of the "Landscaping and Lighting Act of 1972," as amended, commencing with the Streets and Highways code sections 22500, et seq. for the creation of a new zone (Century Meadows One) in the Lodi Consolidated Landscape Maintenance Assessment District No. 2.

### BACKGROUND

The Century Meadows One zone consists of a 133-lot residential development in the southeastern portion of the City of Lodi. The development is being pursued by K&W Development, LLC. This report is relative to the proposed Century Meadows One Landscape Maintenance District of the City of Lodi Consolidated Landscape Maintenance Assessment District which provides annual funds for the maintenance of various public landscape improvements.

### PHASED DEVELOPMENT

The Century Meadows One development is currently anticipated to be constructed in a single phase. Annually, the additional public amenity improvements and the additional developed areas, if any, shall be identified. The costs of the maintenance of the new improvements, if any, shall be added to and included in the next annual landscape maintenance budget. These amounts for the additional improvements were accounted for in determining the maximum annual assessment (see Exhibit A). The Century Meadows One project, when completed, will include an estimated 133 single-family residential lots.

### ASSESSMENT DISTRICT AREA

The area of Century Meadows One is described as all of the property within the following assessor's parcels identified by assessor's number (APN):

<u>Book</u>	<u>Page</u>	<u>Parcel</u>
058	520	1-57
058	210	25, 27, 28



A boundary map is attached to this Engineer's Report as Exhibit B. The assessment diagrams for the Century Meadows One Landscape Maintenance District are attached to the Engineer's Report as Exhibit C. Sheet No. 1 of the assessment diagrams is a simple overall boundary map. Sheet Nos. 2 and 3 are the County Assessor's maps and are incorporated in, and made a part of, the assessment diagram.

### PLANS AND SPECIFICATIONS

As this project is developed, plans and specifications for the amenity improvements to be maintained by the funds generated by the Century Meadows One Landscape Maintenance District shall be filed with the City of Lodi and will be incorporated into this report by reference.

### DESCRIPTION OF AREAS TO BE MAINTAINED

The Century Meadows One Landscape Maintenance District is created to provide funding for the continued maintenance of the public areas which are described below. During the installation period for each phase, the installer of the improvements will maintain the new improvements until the following June 30 or until such time as funds are available for maintenance, at which time the new areas shall be incorporated into the areas already being maintained by the District.

The following improvements shall be included in the District upon their completion (see Exhibit D).

#### 1. Description of Improvements for Future Development

- A. A masonry wall and 13.5' wide landscaping area along the north side of Harney Lane from the project's east boundary to the west boundary, including the 2 angled corner sections at Poppy Drive, approximately 1,200 lineal feet.
- B. Street parkway trees located within the public street within the District Zone 2 boundary.
- C. Public park land area of 1.24 acres in size equivalent to the current level of service standard for park area within the City of 3.4 acres per 1000 persons served.

### ALLOCATION OF COSTS

Assessments for the Century Meadows One Landscape Maintenance District are apportioned in a manner intended to fairly distribute the amounts among all assessable developed parcels in proportion to the estimated benefits to be received by each such parcel. A parcel is considered as being developed by reason of having been included as a lot or parcel in the Century Meadows One recorded Final Map or being included within the active developed area in the case of an existing parcel. The criteria for apportioning the costs for the maintenance makes use of a dwelling unit equivalent Factor (dueF) to calculate the benefit for all uses in terms of equivalent dwelling units. The terms, definitions, and procedures followed to develop the annual assessments are as follows:

1. Dwelling Unit Equivalent Factor (dueF)

The dueF for each use is as follows:

A. Single-Family Residential

All parcels determined to be developed for single-family use shall have a dueF of 1.0 for each parcel.

B. Multiple-Family Residential

All parcels determined to be developed for multiple-family residential, other than duplex or triplex uses, shall have a dueF of 5.0 per acre for each parcel, in general representative of the approximate single-family yield if the area were developed for that use.

C. Commercial/Office

All parcels determined to be developed for commercial or office uses shall have the dueF factor calculated as follows:

5 dueF per acre for the first 7.5 acres

2.5 dueF per acre for the next 7.5 acres

1.25 dueF per acre for all acreage over 15 acres.

D. Other Uses

All parcels determined to have uses other than identified above shall have a dueF established at the time of the first annual budget affecting such areas as determined by the Engineer or other officer appointed by the City of Lodi to prepare the annual cost spread. The determined dueF shall follow the character of the factors assigned above as nearly as practicable, but the determination shall be the sole responsibility of the appointed party and the City of Lodi.

E. Zero Dwelling Unit Equivalent Factor (dueF)

Certain parcels, by reason of use, size, shape, or state of development, may be assigned a zero dueF which will consequently result in a zero assessment for that fiscal year. All parcels having such a zero dueF for the previous fiscal year shall annually be reconsidered to determine if the reason for assigning the zero dueF is still valid for the next fiscal year. Parcels which may be expected to have a zero dueF assigned are typically parcels which are all, or nearly all, publicly landscaped, parcels in public ownership, parcels owned by a public utility company and/or used for public utilities, public parks, public schools, and remainder parcels too small or narrow for reasonable residential or commercial use, unless actually in use.

1. Area Adjustments

Parcels which have an assessment determined by area and which have a portion of the parcel occupied by public or public utility uses separate from the entitled use and located in easements, prior to the multiplication by the dueF, shall have the area of the parcel adjusted to a usable area to reflect the loss or partial loss of the entitled use in those areas. This reduction shall not apply for normal peripheral and interior lot line public utility easements generally existing over the whole subdivision.

2. Compilation

Annually, about May 15, following the determination of the dwelling unit equivalent Factor (dueF) for all developed parcels and the determination of the list of developed parcels by APN for the next fiscal year, all single-family or duplex/triplex residential parcels shall have a dwelling unit equivalent (due) assigned to each parcel equal to the dueF for that parcel. For all parcels other than single-family or duplex/triplex residential parcels, the product of the dueF times the area or adjusted usable area of the parcel, as appropriate, shall be calculated and shall be the due assigned. For developed parcels, the sum of the due assigned to each single-family due for each other parcel shall equal the total due for the next fiscal year. The total amount of revenue required for the next fiscal year shall then be divided by the total due to calculate the assessment per due for the next fiscal year. Parcels defined as not developed for the purposes of determining the landscape maintenance assessments will all have a zero dueF and consequently a zero due and a zero assessment.

3. Allocation of Assessments

The assessment for wall maintenance for the next fiscal year shall then be set for each parcel as the product of the calculated dwelling unit equivalent (due) for each parcel, multiplied by the assessment per due for the next fiscal year.

METHOD OF ASSESSMENT SPREAD

In compliance with the provisions of Proposition 218, adding Article XIII D to the California Constitution, the benefits conferred on each parcel within the Lodi Consolidated Landscape Maintenance District No. 2003-1 are particular and distinct benefits (hereinafter "special benefits") over and above general benefits conferred on such property or to the public at large, in that the individual letter-designated zones in the District each represents a common unit to provide landscape, park, and related amenity maintenance, and monitored irrigation for the development of the property within the individual letter-designated zones in the District generally for residential and related urban uses. Benefits are determined to be 100% special benefits and 0% general benefits. Also, in keeping with the requirements of Proposition 218, no annual individual assessments shall be increased above the amounts assessed under the established criteria for each zone for the preceding fiscal year without an election approval.

The base objective of the assessment spread is to distribute costs in accordance with the benefits received. Costs will be spread equally to each residential lot as follows:

1. Unit 2, lots 56-112, and Unit 3, lots 49-55 and 113-181, in Century Meadows One shall be assessed equally for the estimated costs of maintenance for the fiscal year 2004-2005.

#### ANNUAL ESCALATION

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by the U.S. Bureau of Labor Statistics for a similar period of time.

#### ADMINISTRATION

It is intended that the City of Lodi, either directly or by subcontract, shall have the responsibility to establish an ongoing Landscape Maintenance Management entity to be known as the Landscape Maintenance District Manager which shall be responsible to establish the annual budget, keep an accounting of the maintenance and operational administrative costs, administer and perform the landscape maintenance either directly or by subcontract, pay all fees, utility costs, taxes, and any and all other operating costs.

#### ESTIMATE OF COSTS

The location and size of a park serving this subdivision has not yet been determined. The estimated costs are for public amenity maintenance only. All improvements will be installed at no cost to the Landscape Maintenance Assessment District. The assessment will not be levied until needed, upon development and City acceptance of the improvements.

Items considered in the maintenance cost include, but are not limited to: water for plants and trees, weeding, pruning, mowing, replacement of plants and trees that may die, maintenance of pavement and sidewalks, maintenance of walls, rebuilding damaged walls, removal of graffiti, and maintaining and replacing all sprinkler lines and heads.

The annual costs estimated to be collected with the 2004-2005 taxes for the developed areas are as follows:

<u>OPERATION OF COSTS</u>	FY 2004-05 ESTIMATED ASSESSMENT <u>AMOUNT</u>	FY 2004-05 MAXIMUM ASSESSMENT <u>AMOUNT</u>
Landscape		
Maintenance	\$8,313.00	\$8,313.00
Repair/Replacement	\$1,050.00	\$1,050.00
Water	\$400.00	\$400.00
Electricity	\$300.00	\$300.00
Replacement Reserve	<u>\$400.00</u>	<u>\$400.00</u>
Subtotal Landscape	\$10,463.00	\$10,463.00
Street Trees	\$5,410.00	\$5,410.00
Future Park Site	\$0.00	\$12,430.00
Walls		
Repair/Maintenance/Graffiti Control	\$400.00	\$400.00
Replacement Reserve	<u>\$3,000.00</u>	<u>\$3,000.00</u>
Subtotal Walls	\$3,400.00	\$3,400.00
<b>Est. Subtotal Operation Costs</b>	<b>\$19,273.00</b>	<b>\$31,703.00</b>

<u>OPERATION OF COSTS</u>	FY 2004-05 ESTIMATED ASSESSMENT <u>AMOUNT</u>	FY 2004-05 MAXIMUM ASSESSMENT <u>AMOUNT</u>
<b>DISTRICT ADMINISTRATION COSTS</b>		
Annual Engineer's Report	\$4,000.00	\$4,000.00
Publication	\$100.00	\$100.00
City Administration Fee	\$2,000.00	\$2,000.00
County Administration Fee	<u>\$900.00</u>	<u>\$900.00</u>
<b>Est. Total Administration Costs</b>	<b>\$7,000.00</b>	<b>\$7,000.00</b>
<b>Est. Contingency</b>	<b>\$1,391.00</b>	<b>\$1,862.00</b>
<b>Total Estimated Revenue Required for 2004-2005 Fiscal Year</b>	<b>\$27,664.00</b>	<b>\$40,565.00</b>
<b>Total Appropriation Required from Existing Fund Balance</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total Estimated Assessment for 2004-2005 Fiscal Year</b>	<b>\$27,664.00</b>	<b>\$40,565.00</b>
<b>Total dueF</b>	<b>133</b>	<b>133</b>
<b>Assessment per dueF</b>	<b>\$208.00</b>	<b>\$305.00</b>
<b>MAXIMUM ANNUAL ASSESSMENT</b>		<b>\$305.00</b>

ASSESSMENT ROLL

The assessment roll for the fiscal year 2004-2005 is as follows:

<b>Assess- ment No.</b>	<b>APN No.</b>	<b>Future Lot Nos.</b>	<b>Owner</b>	<b>No. of Residential Lots</b>	<b>2004-2005 Est. Assessment Amount</b>	<b>2004-2005 Max. Annual Assessment Amount</b>
1	058-520-1-57	Unit 2, Lots 56-112	K&W Development, LLC	57	\$11,856.00	\$17,385.00
2	058-210-25	Unit 3, Lots 49-55,	K&W Development, LLC	7	\$1,456.00	\$2,135.00
3	058-210-27, 28	Lots 113-181	K&W Development, LLC	69	\$14,352.00	\$21,045.00
<b>Total</b>				133	\$27,664.00	\$40,565.00

The parcels in this subdivision are expected to subdivide upon and subsequent to the formation of Zone 1. The proposed subdivision will yield approximately 133 parcels (residential lots) and will have a proposed assessment roll, based on the above criteria and budget, set forth in Exhibit A.

The foregoing Engineer's Report and the estimate of costs, as well as the Assessment Diagram and Assessment Roll, which are attached hereto, are presented for your approval by resolution dated this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

THOMPSON-HYSELL ENGINEERS  
Engineer of Work

BY:  
Michael T. Persak  
RCE 44908

**EXHIBIT A  
ASSESSMENT ROLL  
CENTURY MEADOWS ONE  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1, ZONE 2  
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)  
CITY OF LODI, CA**

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
1	058-520-01	Century Meadows One, Unit No. 2	Lot No. 56	\$208.00	\$305.00
2	058-520-02	Century Meadows One, Unit No. 2	Lot No. 57	\$208.00	\$305.00
3	058-520-03	Century Meadows One, Unit No. 2	Lot No. 58	\$208.00	\$305.00
4	058-520-04	Century Meadows One, Unit No. 2	Lot No. 59	\$208.00	\$305.00
5	058-520-05	Century Meadows One, Unit No. 2	Lot No. 60	\$208.00	\$305.00
6	058-520-06	Century Meadows One, Unit No. 2	Lot No. 61	\$208.00	\$305.00
7	058-520-07	Century Meadows One, Unit No. 2	Lot No. 62	\$208.00	\$305.00
8	058-520-08	Century Meadows One, Unit No. 2	Lot No. 63	\$208.00	\$305.00
9	058-520-09	Century Meadows One, Unit No. 2	Lot No. 64	\$208.00	\$305.00
10	058-520-10	Century Meadows One, Unit No. 2	Lot No. 65	\$208.00	\$305.00
11	058-520-11	Century Meadows One, Unit No. 2	Lot No. 66	\$208.00	\$305.00
12	058-520-12	Century Meadows One, Unit No. 2	Lot No. 67	\$208.00	\$305.00
13	058-520-13	Century Meadows One, Unit No. 2	Lot No. 68	\$208.00	\$305.00
14	058-520-14	Century Meadows One, Unit No. 2	Lot No. 69	\$208.00	\$305.00
15	058-520-15	Century Meadows One, Unit No. 2	Lot No. 70	\$208.00	\$305.00
16	058-520-16	Century Meadows One, Unit No. 2	Lot No. 71	\$208.00	\$305.00
17	058-520-17	Century Meadows One, Unit No. 2	Lot No. 72	\$208.00	\$305.00
18	058-520-18	Century Meadows One, Unit No. 2	Lot No. 73	\$208.00	\$305.00
19	058-520-19	Century Meadows One, Unit No. 2	Lot No. 74	\$208.00	\$305.00
20	058-520-20	Century Meadows One, Unit No. 2	Lot No. 75	\$208.00	\$305.00
21	058-520-21	Century Meadows One, Unit No. 2	Lot No. 76	\$208.00	\$305.00
22	058-520-22	Century Meadows One, Unit No. 2	Lot No. 77	\$208.00	\$305.00



<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
23	058-520-23	Century Meadows One, Unit No. 2	Lot No. 78	\$208.00	\$305.00
24	058-520-24	Century Meadows One, Unit No. 2	Lot No. 79	\$208.00	\$305.00
25	058-520-25	Century Meadows One, Unit No. 2	Lot No. 80	\$208.00	\$305.00
26	058-520-26	Century Meadows One, Unit No. 2	Lot No. 81	\$208.00	\$305.00
27	058-520-27	Century Meadows One, Unit No. 2	Lot No. 82	\$208.00	\$305.00
28	058-520-28	Century Meadows One, Unit No. 2	Lot No. 83	\$208.00	\$305.00
29	058-520-29	Century Meadows One, Unit No. 2	Lot No. 84	\$208.00	\$305.00
30	058-520-30	Century Meadows One, Unit No. 2	Lot No. 85	\$208.00	\$305.00
31	058-520-31	Century Meadows One, Unit No. 2	Lot No. 86	\$208.00	\$305.00
32	058-520-32	Century Meadows One, Unit No. 2	Lot No. 87	\$208.00	\$305.00
33	058-520-33	Century Meadows One, Unit No. 2	Lot No. 88	\$208.00	\$305.00
34	058-520-34	Century Meadows One, Unit No. 2	Lot No. 89	\$208.00	\$305.00
35	058-520-35	Century Meadows One, Unit No. 2	Lot No. 90	\$208.00	\$305.00
36	058-520-36	Century Meadows One, Unit No. 2	Lot No. 91	\$208.00	\$305.00
37	058-520-37	Century Meadows One, Unit No. 2	Lot No. 92	\$208.00	\$305.00
38	058-520-38	Century Meadows One, Unit No. 2	Lot No. 93	\$208.00	\$305.00
39	058-520-39	Century Meadows One, Unit No. 2	Lot No. 94	\$208.00	\$305.00
40	058-520-40	Century Meadows One, Unit No. 2	Lot No. 95	\$208.00	\$305.00
41	058-520-41	Century Meadows One, Unit No. 2	Lot No. 96	\$208.00	\$305.00
42	058-520-42	Century Meadows One, Unit No. 2	Lot No. 97	\$208.00	\$305.00
43	058-520-43	Century Meadows One, Unit No. 2	Lot No. 98	\$208.00	\$305.00
44	058-520-44	Century Meadows One, Unit No. 2	Lot No. 99	\$208.00	\$305.00
45	058-520-45	Century Meadows One, Unit No. 2	Lot No. 100	\$208.00	\$305.00
46	058-520-46	Century Meadows One, Unit No. 2	Lot No. 101	\$208.00	\$305.00
47	058-520-47	Century Meadows One, Unit No. 2	Lot No. 102	\$208.00	\$305.00
48	058-520-48	Century Meadows One, Unit No. 2	Lot No. 103	\$208.00	\$305.00
49	058-520-49	Century Meadows One, Unit No. 2	Lot No. 104	\$208.00	\$305.00

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
50	058-520-50	Century Meadows One, Unit No. 2	Lot No. 105	\$208.00	\$305.00
51	058-520-51	Century Meadows One, Unit No. 2	Lot No. 106	\$208.00	\$305.00
52	058-520-52	Century Meadows One, Unit No. 2	Lot No. 107	\$208.00	\$305.00
53	058-520-53	Century Meadows One, Unit No. 2	Lot No. 108	\$208.00	\$305.00
54	058-520-54	Century Meadows One, Unit No. 2	Lot No. 109	\$208.00	\$305.00
55	058-520-55	Century Meadows One, Unit No. 2	Lot No. 110	\$208.00	\$305.00
56	058-520-56	Century Meadows One, Unit No. 2	Lot No. 111	\$208.00	\$305.00
57	058-520-57	Century Meadows One, Unit No. 2	Lot No. 112	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 49	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 50	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 51	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 52	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 53	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 54	\$208.00	\$305.00
58	058-520-58	Century Meadows One, Unit No. 3	Lot No. 55	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 117	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 118	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 119	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 120	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 121	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 122	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 123	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 124	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 125	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 126	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 127	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 128	\$208.00	\$305.00

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 129	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 130	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 131	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 132	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 133	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 134	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 135	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 136	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 137	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 138	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 139	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 140	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 141	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 142	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 143	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 144	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 145	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 146	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 147	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 148	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 149	\$208.00	\$305.00
59	058-210-31	Century Meadows One, Unit No. 3	Lot No. 150	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 113	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 114	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 115	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 116	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 151	\$208.00	\$305.00

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 152	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 153	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 154	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 155	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 156	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 157	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 158	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 159	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 160	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 161	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 162	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 163	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 164	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 165	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 166	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 167	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 168	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 169	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 170	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 171	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 172	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 173	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 174	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 175	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 176	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 177	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 178	\$208.00	\$305.00

<b>DIAGRAM NUMBER</b>	<b>COUNTY ASSESSOR NUMBER</b>	<b>UNIT NO.</b>	<b>LOT NO.</b>	<b>FY 2004-2005 ESTIMATED ASSESSMENT AMOUNT</b>	<b>FY 2004-2005 MAXIMUM ASSESSMENT AMOUNT</b>
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 179	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 180	\$208.00	\$305.00
60	058-210-32	Century Meadows One, Unit No. 3	Lot No. 181	\$208.00	\$305.00
<b>TOTAL</b>				<b>\$27,664.00</b>	<b>\$40,565.00</b>

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING  
ENGINEER'S REPORT, CONFIRMING THE ASSESSMENTS,  
OVERRULING PROTESTS AND DECLARING ASSESSMENT  
BALLOTS RESULTS AND ANNEXING TERRITORY TO A  
MAINTENANCE ASSESSMENT DISTRICT AND FORMING ZONE 2

CENTURY MEADOWS ONE ZONE 2  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
(Landscaping and Lighting Act of 1972)

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NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council, that:

1. On December 3, 2003, this City Council adopted a Resolution of Intention to Annex Territory to a Maintenance Assessment District, to Form a Zone and to Levy and Collect Assessments and a Resolution of Preliminary Determination and in them directed the Engineer to make and file a Report in writing in accordance with and pursuant to the Landscaping and Lighting Act of 1972 (the Act) in and for the City's Century Meadows One Zone 2 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

2. The Report was made and filed and the Report was considered by this City Council and found to be sufficient in every particular, whereupon it was determined that the Report be and it was preliminarily approved for all subsequent proceedings under and pursuant to the Resolution of Intention.

3. The City Council provided for the giving of Notice of the Public Hearing setting Wednesday January 21, 2004, at the hour of 7:00 p.m., in the meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California as the time for the Public Hearing to take testimony and for hearing protests in relation to the proposed assessment, the annexation of territory to the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, the formation of Zone 2, the maintenance of the improvements thereof, the property owner assessment ballot procedure required by Article XIII D of the California Constitution and final action upon the Engineer's Report.

4. The Owners of all of the property proposed to be included in the territory to be annexed have filed herein their Wavier and Consent.

5. The City Clerk has filed with the City Council a Certificate setting forth the time and manner of the compliance with the requirements of law for mailing Notices of the time and place for said Public Hearing and the Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) and

the Council hereby finds that the Notice of the time and place for said Public Hearing thereon and Notice of the property owner assessment ballot procedure required by Article XIID of the California Constitution (together with the property owner assessment ballots) has been mailed in the time, form and manner required by law.

6. On January 21, 2004, at the time and place as set forth in Resolution 2003-227 the City Council held the Public Hearing and duly heard all interested parties desiring to be heard.

7. In accordance with Resolution No. 2003-227 and Article XIID of the California Constitution, property owner assessment ballots were provided to all of the property owners in said territory to be annexed and at the close of the Public Hearing, the Clerk, the impartial person designated by the Council, tabulated the assessment ballots submitted and not withdrawn and found that the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not exceed assessment ballots submitted and not withdrawn in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcels for which each assessment ballot was submitted and the Council so found.

8. The City Council finds that any and all protests against the proposed assessment, maintenance of the improvements, or against the annexation of territory to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 or the formation of Zone 2 or the extent thereof or against the engineer's estimate of costs and expenses, in whole or as to any part, or against the diagram and descriptions in whole or in part (specifically all written protests not withdrawn in writing before the conclusion of the protest hearing) are made by the owners of less than one-half of the area of the land to be assessed. The City Council hereby overrules each of these protests, written and oral.

9. The City has caused the distribution of assessment ballots, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, and a statement that the existence of a majority protest will result in the assessment not being imposed. The City hereby finds and declares that the ballot measure has been submitted to the voters of land within the territory to be annexed and after the tabulation of the assessment ballots submitted and not withdrawn, that no majority protest against the assessment existed because the assessment ballots submitted in opposition to the assessment did not exceed the ballots submitted in favor of the assessment. In tabulating the ballots, they were weighted according to the proportional financial obligation of the affected properties.

10. The City Council hereby approves the Engineer's Report and each component part of it, including each Exhibit incorporated by reference in the Report. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the territory to be annexed, Zone 2, and the Assessments.

11. The City Council hereby confirms the Assessment, Assessment Roll and the Diagram as now on file with it, and declares the Engineer's Report and said Diagram, Assessment and Assessment Roll as contained therein are hereby adopted and confirmed.

12. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the Public Hearing, this City Council expressly finds and determines that:

(a) each of the several subdivisions of land in the territory to be annexed will be specially benefited by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the subdivisions of land, respectively; and

(b) there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the finding and determination as to special benefits.

13. The City Council determines and orders the territory described in the Engineer's Report be annexed to Lodi Consolidated Landscape Maintenance Assessment District, that Zone 2 be formed and shall be known as Century Meadows One Zone 2, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

14. This Council hereby orders that the improvements described in the Resolution of Intention be maintained, the formula and method of assessment to be used to pay the annual costs and expenses of the maintenance be confirmed, that the maximum annual assessment is established in the amount of \$305.00 per dueF per year, is hereby ordered and confirmed.

15. The City Council finds, determines and orders that the maximum annual assessment set forth in Paragraph 14 of this resolution shall be annually increased in an amount equal to the greater of: 1) five percent (5%) or (2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for all Urban Consumers as developed by the U. S. Bureau of Labor Statistics for a similar period of time.

16. The City Council finds, determines and orders that for the 2004-2005 Fiscal Year there is hereby levied on each parcel in Zone 2 an actual assessment amount of \$208.00 per dwelling unit equivalent Factor (dueF) as detailed in the Engineer's Report and Assessment Roll contained therein.



17. The City Council hereby directs the City Clerk to comply with Section 22641 of the Streets and Highways Code. The County Auditor/ Controller is requested to comply with the provisions of Section 22645 of the Streets and Highways Code in the collection of installments for taxes when levied by this Council.

18. This resolution shall take effect immediately upon its passage.

Dated: January 21, 2004

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I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_

RECEIVED

JAN 15 2004

City Clerk  
City of Lodi

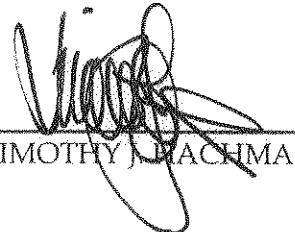
**CITY OF LODI  
Century Meadows One Zone 2  
Lodi Consolidated Landscape Maintenance  
Assessment District No. 2003-1**

**CERTIFICATE OF PERSONAL DELIVERY AND/OR ELECTRONIC TRANSMISSION  
OF NOTICE PUBLIC HEARING, ASSESSMENT BALLOT PROCEDURE, WAVIER  
AND CONSENT AND  
PROPERTY OWNER ASSESSMENT BALLOT**

I, Timothy J. Hachman, under penalty of perjury, certify as follows:

That for and on behalf of the Clerk of the City of Lodi, and on January 12, 2004, I caused to be personally delivered and /or electronically transmitted a Notice of Public Hearing and Assessment Ballot Procedure, Property Owner Assessment Ballot and Wavier and Consent for the City of Lodi, Century Meadows One Zone 2, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, to all persons or their authorized representatives owning real property proposed to be assessed whose names and addresses as known to said City Clerk, a copy of which Notice, Property Owner Assessment Ballot and Wavier and Consent is hereto attached and marked Exhibit "A."

Executed on January 12, 2004.

  
TIMOTHY J. HACHMAN

# **NOTICE OF PUBLIC HEARING AND BALLOT PROCEDURE**

## **CITY OF LODI COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA CENTURY MEADOWS ONE ZONE 2 LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1**

Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, commencing with Section 22500, California Government Code Section 53753 and Section 4 of Article XIIID of the California Constitution, the Lodi City Council the "Council" has ordered that Notice be given as follows:

### **PUBLIC HEARING**

1. On Wednesday, January 21, 2004, at 7:00 P.M. (or as soon thereafter as circumstances permit), in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street, Lodi, California, the Council will hold a Public Protest Hearing respecting the proposed annexation of territory (Century Meadows One) to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (District) when and where: (i) the Council will hear all protests to the annexation, the maintenance budget and levy of assessments, (ii) the Clerk will tabulate the Assessment Ballots received, and not withdrawn, in support of or opposition to the proposed annexation and assessment, weighting the Assessment Ballots by the amount of the proposed assessments to be levied upon the identified parcel for which each Assessment Ballot was submitted, and (iii) the Council will consider and finally act upon the annexation, the proposed budget and levy of assessments. Any person interested may file a written protest with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910, at or before the above time set for the Public Hearing. Wally Sandelin, Public Works Department, Telephone (209) 333-6709 is the person designated by the City Council to answer inquiries regarding the protest proceedings.

### **INFORMATION ABOUT THE PROJECT**

2. The public improvements to be maintained by the proposed District are masonry walls, street parkway trees, amenities and park maintenance.

### **INFORMATION ABOUT COSTS, ASSESSMENT AND DURATION OF ASSESSMENTS**

3. The proposed budget for the fiscal year 2004/2005 and the maximum annual budget with the individual parcels and amounts of estimated assessments are shown in the Engineer's Report on file with the City Clerk, City Hall, 221 West Pine Street, Lodi, CA 95241-1910. The estimated costs and expenses to be assessed to the benefited parcels also include related management and administrative expenses. Interested persons are referred to the City Clerk's Office to examine the Engineer's Report for further information.

4. The total best estimate of the costs and expenses of the proposed maintenance of improvements and related assessment proceedings for the fiscal year 2004-2005 is the total sum of \$27,644.00. The maximum annual cost and expense is \$40,565.00. The amount of the assessment proposed for your parcel is set forth in the Official Property Owners Assessment Ballot which accompanies this Notice. The reason that an assessment is proposed for your parcel is that the Engineer's Report recommends and the Council has preliminary determined that the property is specially benefited by the maintenance of the improvements.

5. The Engineer's Report recommends that each of the parcels shall be assessed on the basis of the number of "Dwelling Unit Equivalent Factor (dueF)" assigned to the parcel, with one dueF unit representing the benefit equivalent of a single-family residence. The proposed fiscal year 2004-2005 annual assessment per dueF is \$208.00. The proposed maximum annual assessment for each dueF is \$305.00. **The assessment will continue indefinitely.**

The maximum assessment amount for each fiscal year shall be increased in an amount equal to the greater of: 1) five percent (5.0%), or 2) the percentage increase of the Local Consumer Price Index (CPI). Consumer Price Index applied is for the San Francisco-Oakland-San Jose County Area for All Urban Consumers, as developed by U.S. Bureau of Labor Statistics for a similar period of time. **(By law the City can only implement this increase if and when the actual cost of maintenance increases above the present cost.)**

#### **ASSESSMENT BALLOT PROCEDURE AND 'MAJORITY PROTEST'**

6. As provided by Section 4 of Article XIID of the California Constitution and Section 53753 of the California Government Code the Official Property Owners Assessment Ballot has been enclosed with this Notice, along with a self-addressed stamped returned envelope by which the Assessment Ballot may be returned to the Clerk. This is **THE Official Assessment Ballot** to be signed and returned to the City Clerk. It is not a sample ballot. You will not receive any other or additional Assessment Ballot. In order to make this Assessment Ballot count, in determining whether a "majority protest" exists, you must mark it (with an "X" indicating YES or NO), date it, sign it and submit it to the City Clerk no later than the close of the Public Hearing of Protests. If for any reason any Assessment Ballot has not been received by the City Clerk prior to the close of the Public Hearing of Protests, it will not be considered.

After the Assessment Ballot has been marked "Yes" or "No", dated and signed, it may be returned in the enclosed self-addressed stamped return envelope. This Assessment Ballot may be used by the owner or owners of any parcel to express either support of or opposition to the proposed assessment. Please see the Assessment Ballot for instructions respecting the alternative methods for submitting the completed Assessment Ballot either by mail (which may be done by using the enclosed return stamped envelope) or by personal delivery either prior to or at the time of the close of the Public Hearing of Protests. See the enclosed Assessment Ballot for further instructions.

7. Immediately following the close of the Public Hearing of Protests, whether on January 21, 2004, or at the conclusion of any continuation of said Hearing to a later date or to later dates the City Clerk or designee will open and tabulate the Assessment Ballots received prior to the close of the Public Hearing and the results will be announced; provided that, in the event that the Clerk requires an opportunity to determine (a) whether any Assessment Ballot has been properly signed by an owner or authorized representative of an owner or (b) any other matter respecting any Assessment Ballot and its proper treatment in the assessment ballot procedure, the City Clerk reserves entitlement to continue the matter of announcing results to provide the Clerk with such opportunity.

The Assessment Ballots are weighted according to the proportional financial obligation the affected property has to the total Assessment amount. (Simplified, this means one vote for each one dollar of assessment.)

In the event that Assessment Ballots in opposition exceed those in support, there will be a "majority protest" and the Council will be precluded from proceeding with the proposed assessment.

#### **NEED FOR WRITTEN STATEMENT OF GROUNDS OF PROTEST**

8. Property owners wishing to preserve the opportunity to file a lawsuit challenging the assessment, if levied, are required by law to file a written protest and to state therein all the specific

grounds of objection. Any grounds of objection not stated in a written protest filed prior to the close of the public hearing of protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

#### **FURTHER INFORMATION OR QUESTIONS**

9. If For further information, you may refer to the Resolution of Intention and the Engineer's Report, both on file with the City Clerk at 221 West Pine Street, Lodi, CA. Said Resolution of Intention and Engineer's Report are open to public inspection and are incorporated herein by reference. All interested parties are especially referred to the Engineer's Report for a full description of the improvements, the parcels of land deemed specially benefited by the improvements, the proposed assessments on all of the parcels of land being assessed, and the method of estimating the proportionality of benefit amount to the parcels, using the dueF concept.

If you have questions about the assessment, please contact Wally Sandelin, Public Works Department (209) 333-6709. If you have questions about the Assessment Ballot, please contact the City Clerk's office at (209) 333-6702.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters and, if one is needed, it shall be the responsibility of the person needing one.

DATED: December 4, 2004

SUSAN J. BLACKSTON  
City Clerk of the City of Lodi

## CITY OF LODI

CENTURY MEADOWS ONE ZONE 2 LODI CONSOLIDATED LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2003-1

**IMPORTANT – OFFICIAL PROPERTY OWNER ASSESSMENT BALLOT**

This ballot is for the use of the property owner of the parcel identified below, which parcel is located within the proposed Century Meadows One Zone 2, Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. Please advise the City Clerk at (209) 333-6702 if the name set forth below is incorrect or if you are no longer the owner of the parcel.

This ballot may be used to express either support for or opposition to the proposed assessment. In order to be counted, this ballot must be marked "Yes" or "No", dated and signed in ink below by an owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the City Clerk at the Lodi City Hall, 221 West Pine Street, Lodi, CA 95241-1910, either by mail or in person, as follows:

**Mail Delivery** If by mail. Place the ballot in the enclosed, self-addressed stamped return envelope and place in the mail not later than one calendar week prior to January 21, 2004. The City Clerk cannot be responsible for late delivery of mailed ballots.

**Personal Delivery** If in person, to the City Clerk during regular office hours (8:00a.m. to 5:00 p.m.) at any time up to 5:00 on January 21, 2004 at the City Clerk's office at Lodi City Hall, 221 West Pine Street, Lodi, CA or at the protest hearing itself, scheduled for 7:00 p.m. on that date in the regular meeting place of the Lodi City Council, Carnegie Forum, 305 West Pine Street Lodi, CA

Whether delivered by mail or in person, the ballot must be received by the City Clerk prior to the close of the public hearing on January 21, 2004.

TO CAST THIS BALLOT, SIGN IN INK, DATE AND RETURN THIS ENTIRE PAGE

**OFFICIAL ASSESSMENT BALLOT**

Assessor's Parcel Number	Maximum Assessment Amount
058-520-57	\$17,385.00
058-520-58	\$ 2,135.00
058-210-31	\$10,370.00
058-210-32	\$10,675.00
<b>Total:</b>	<b>\$40,565.00</b>

Owner Name  
**K and W Development, LLC**

(Upon subdivision 133 lots/dueFs at a Maximum Annual Assessment Amount \$305.00 per lot/dueF)

Mark With an "X" in the appropriate blank

**BALLOT MEASURE**

Shall the Lodi City Council annex Century Meadows One to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, form Zone 2 and levy a Maximum Assessment	YES _____
not to exceed the amount set forth above on the parcel(s) identified for masonry walls, street parkway trees amenities and	
park maintenance with annual maximum increases in future assessments in an amount equal to the greater of 5%	NO _____
the percentage increase of the Local Consumer Price Index (CPI). CPI applied is for the San Francisco- Oakland-	
n Jose Area for All Urban Consumers, as developed by U. S. Bureau of Labor Statistics for a similar period of time?	

I hereby certify under penalty of perjury that I am the legal owner or the authorized representative of the legal property owner and am therefore the person to execute this ballot for the property shown above.

Date: \_\_\_\_\_, 2004

Property Owner Signature \_\_\_\_\_

Printed Name of Property Owner: K and W Development, LLC

**DEADLINE FOR CITY CLERK TO RECEIVE COMPLETED BALLOTS IS January 21, 2004**

EXHIBIT

A

**WAIVER AND CONSENT TO  
ANNEXATION OF TERRITORY TO LODI CONSOLIDATED MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
FORMATION OF ZONE 2  
LEVY OF MAXIMUM ANNUAL ASSESSMENT  
SHORTENING TIME PERIODS AND WAIVING VARIOUS  
REQUIREMENTS FOR CONDUCTING PROPERTY OWNER  
ASSESSMENT BALLOT**

**CENTURY MEADOWS ONE ZONE 2  
LODI CONSOLIDATED LANDSCAPE MAINTENANCE  
ASSESSMENT DISTRICT NO. 2003-1  
CITY OF LODI  
SAN JOAQUIN COUNTY, CALIFORNIA**

The undersigned is the authorized representative of **K and W DEVELOPMENT, LLC and D & K DEVELOPMENT, INC.** owners of APNs 058-520-57 & 58 and 058-210-31 & 32 the owner (the "Owner") of the real property within the City of Lodi, County of San Joaquin, State of California (the "City") which is proposed to be annexed to Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (the "District") and the formation of Zone 2, which will be subject to a maximum annual assessment with respect to the Zone 2. The City is undertaking proceedings for the annexation of territory and the formation of Zone 2 in the District and the levy of an annual maximum assessment on the property included therein, which proceedings include a property owner assessment ballot.

The undersigned, on behalf of the Owners, hereby requests that the territory be annexed, Zone 2 be formed, that the APN parcels set forth above be subject to the maximum annual assessment with respect to Zone 2 of the District; that the parcels be subject to and a maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

In that connection, **DAVID WILLIAMS** is the person legally entitled and authorized to cast the assessment ballot for the above-referenced Owners attributable to the above-referenced parcels in the property owner assessment ballot to be conducted within the District to determine, among other things, that the above APNs be subject to the maximum annual assessment and that the maximum annual assessment be levied as contained in the Engineer's Report on file in these proceedings.

The undersigned consents to the annexation of territory (above described APN's) to the District, the formation of Zone 2 and to the levy of the maximum annual assessment as provided in the Engineer's Report.

**RECEIVED**

JAN 15 2004

City Clerk  
City of Lodi

The undersigned, on behalf of the above-referenced Owner, hereby waives the notice, protest, hearing, assessment ballot, mailings and any publication requirements under Government Code Section 53753 and Article XIII C and D of the California Constitution and Sections 22608 and 22608.2 of the Streets and Highways Code.


The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding the time to mail assessment ballots to the qualified property owners pursuant to Government Code Sections 53753 and 54954.6 and agrees that the representative of the above-referenced Owner may accept either mailed service or personal service of the assessment ballots.

The undersigned, on behalf of the above-referenced Owner, hereby waives the requirements regarding identification envelopes for the return of assessment ballots, regarding keeping the envelope sealed, regarding the assessment ballot be in a form that conceals it or that it be placed in an envelope all as contained in Government Code Section 53753 and 54954.6.


Further, the undersigned, on behalf of the above-referenced Owner, hereby waives any and all defects in notice or procedure in the conduct of the assessment ballot, whether known or unknown (except the right to cast the assessment ballot and to have the assessment ballots fairly counted).

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on the date set forth below.

Date: January 12, 2004

D & K Development, Inc.  
  
By: \_\_\_\_\_  
DAVE WILLIAMS  
President

K & W DEVELOPMENT, LLC

By:   
Dave Williams  
Title: Partner





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Post For Vacancies On The Lodi Arts Commission And Parks and Recreation Commission

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That Council, by motion action, direct the City Clerk to post for the vacancies on the Lodi Arts Commission and Parks and Recreation Commission.

**BACKGROUND INFORMATION:** The City Clerk's Office received letters of resignation (filed) from Lodi Arts Commissioner, Sherri Smith, and Parks and Recreation Commissioner, Victor Schuh. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancies below.

**Lodi Arts Commission**

Sherri Smith Term to expire July 1, 2006

**Parks and Recreation Commission**

Victor Schuh Term to expire December 31, 2004

State statute requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Monthly Protocol Account Report

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required, information only.

**BACKGROUND INFORMATION:** The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through December 31, 2003.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**PROTOCOL ACCOUNT SUMMARY**  
**Cumulative Report**  
**July 1, 2003 through December 31, 2003**

Date	Vendor	Description	Amount	Balance
				<b>Starting Bal. \$18,000.</b>
07-14-03	Baudeville	Envelopes, program paper, invitations, seals, for #400 8-21-03 Boards & Commissions Reception	292.79	
07-28-03	Carrot Top	#250 U.S. Flags – handouts for student tours	112.50	
07-29-03	Guiffra's	Linen rental for 7-26-03 CVW Auction Dinner	34.00	
08-05-03	Finance Dept.	60 grape stickers for young student tours	32.40	
08-07-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 7-26-03 CVW Boy & Girls Club Dinner)	45.00	
08-07-03	Janet Hamilton reimbursement	Decorations (for 7-26-03 CVW Boy & Girls Club Dinner)	185.28	
08-18-03	Guiffra's Party Rentals	Linen rental (for 8-16-03 General Mills Boy & Girls Club Dinner)	43.48	
08-18-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 8-16-03 General Mills Boy & Girls Club Dinner)	45.00	
08-21-03	Smart Foods	Flower decorations (for City Volunteer Reception 8-21-03)	49.53	
08-21-03	Longs	Candy (for City Volunteer Reception 8-21-03)	34.50	
08-21-03	Wine & Roses	Food, beverage, room charge (for City Volunteer Reception 8-21-03) Note: Deposit \$263.99 pd on 5-8-03	5,200.25	
10-28-03	Black Tie Gourmet	Catering services for 12-03 City Council Reorganization Reception	1,000.00	
11-12-03	Staples	Paper for #650 invitations to the 12-19 Employee Recognition Holiday Recept.	75.27	
11-17-03	Lasting Impressions	Outgoing Mayor Gift	70.58	
11-20-03	Lasting Impressions	2 community service awards and update of perpetual plaques	99.72	
12-17-03 City Council Meeting				Council decreased Protocol Acct. by \$3,000

12-19-03	Travis Café	Catering services for 12-19 Holiday Reception City Empl. Appreciation	1,090.97	
12-19-03	Rollin-in-Dough	31 dozen cookies delivered to off site facilities for Holiday City Empl. Appreciation	283.75	
			<i>Total Expenditures: (8,695.02)</i>	<i>Ending Bal. <b>\$6,304.98</b></i>



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution approving the use of Lodi Lake by BoardStock Promotions, Inc.

**MEETING DATE:** January 21, 2004

**PREPARED BY:** Parks and Recreation Director

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**RECOMMENDED ACTION:** That City Council adopts a resolution approving the use of Lodi Lake by BoardStock Promotions, Inc. for the first annual BoardStock event to be held on October 2 – 3, 2004.

**BACKGROUND INFORMATION:** BoardStock Promotions, Inc., headquartered in Redmond, Washington, approached the Parks and Recreation Department in September 2003 regarding having a one of a kind hybrid “X” Games type of exhibition event at Lodi Lake Park on October 2 – 3, 2004.

This event promises to be the best ever featuring the world's best wakeboarders, freestyle MotoX riders, skydivers, and live music all performing within the confines of Lodi Lake.

BoardStock started in Redding, CA at Shasta Lake in 1996, but moved to the City of Stockton in 2000. According to BoardStock President and promoter, Rob Stimmel, the move to Stockton was precipitated by the fact that Redding offered limited organization and the event outgrew the area – too many people and not enough public services to handle it all. The City of Stockton and the Stockton Sports Commission welcomed BoardStock with open arms in 2000 and the event has been held there (on Stockton's deep-water channel) ever since.

Unfortunately for the BoardStock promoters, the Stockton venue will no longer be available in 2004 due to redevelopment. And in its current condition, the event site is dusty, plain looking, offers no appeal for television, and event sponsors and athletes alike are not keen on continuing at this venue. The site has been OK, according to BoardStock people, but Lodi Lake lights their fire.

This event will generate facility rental revenue to the Parks and Recreation Department. In addition, BoardStock has an agreement with a television producer who films all the activities and produces a television show that airs on Fox Sports Net. Just imagine the promotion Lodi will receive when it is showcased on Fox Sports Net as many as 10 times in a year, in 134 different countries. Moreover, an estimated 2,500 – 3,000 attendees and event participants will spend thousands of dollars in Lodi's restaurants, grocery stores, gas stations, and hotels. And, there are other benefits as well.

1. Well over \$25,000 will be spent locally on event promotions.
2. The City of Stockton estimated an economic impact to its community ranging from \$250,000 - \$500,000.
3. As stated, BoardStock delivers a revenue-generating opportunity – very important to the City and the Parks and Recreation Department given today's fiscal climate.

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

4. A document published by the Lodi City Clerk's office describes Lodi Lake Park as a facility offering opportunities for both "passive and active" recreational pursuits. BoardStock will offer a completely different venue to our man-made Lake – an X-treme sports exhibition.
5. BoardStock will expose the City of Lodi to the rest of the world (virtually) through the television media.
6. The event will be less congestive, if you will, than the Oooh Ahhh Festival.
7. From a noise attenuation perspective, the BoardStock event will be less obtrusive than the annual boat races.
8. By resolution, we are allowed one major event per month at Lodi Lake Park. BoardStock fills the bill for a 3<sup>rd</sup> large event during the calendar year.

Staff anticipates no more wear and tear on Lodi Lake than that which is incurred during the Oooh Ahhh Festival. Parks and Recreation is intrigued by the proposal and considers it to be a win-win for both the event proponent as well as the community.

At the December 2, 2003, Parks and Recreation Commission meeting, Mr. Stimmel presented the event to the Commissioners and they unanimously approved moving the proposal forward to City Council.

On December 18, 2003, Mr. Stimmel met with representatives from the Lodi Chamber of Commerce, Lodi Conference & Visitors Bureau, Police Department, Fire Department, City of Lodi Risk Management, Public Works-Streets Division, Mayor Hansen, and Parks & Recreation staff to address questions, concerns and challenges related to the proposed event. Everyone who attended the meeting enthusiastically supported bringing BoardStock to Lodi.

**FUNDING:** No funding is needed. The event will be 100 percent cost recovered.

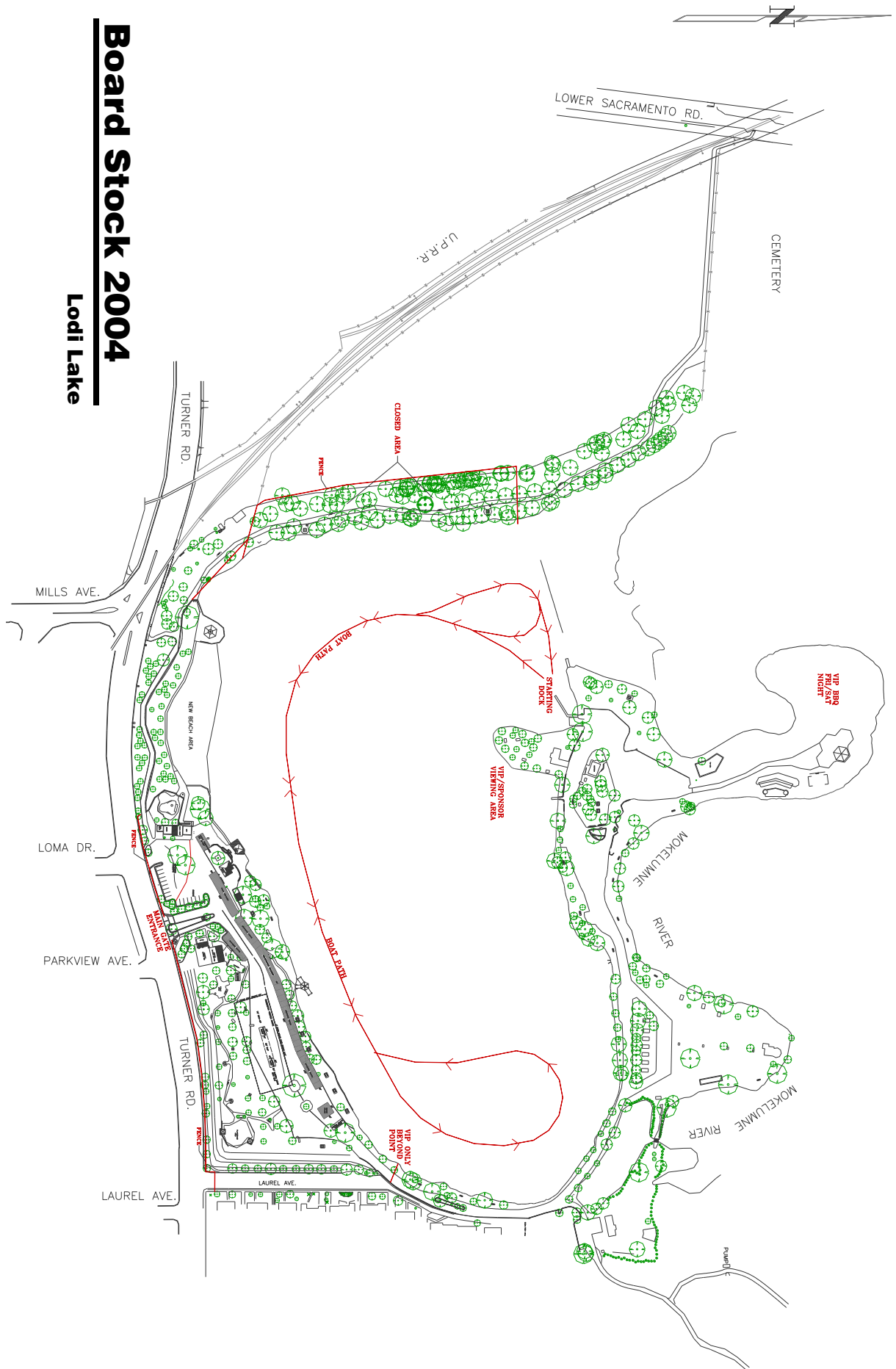
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Tony Goehring  
Parks and Recreation Director

TG:tl

cc: City Attorney

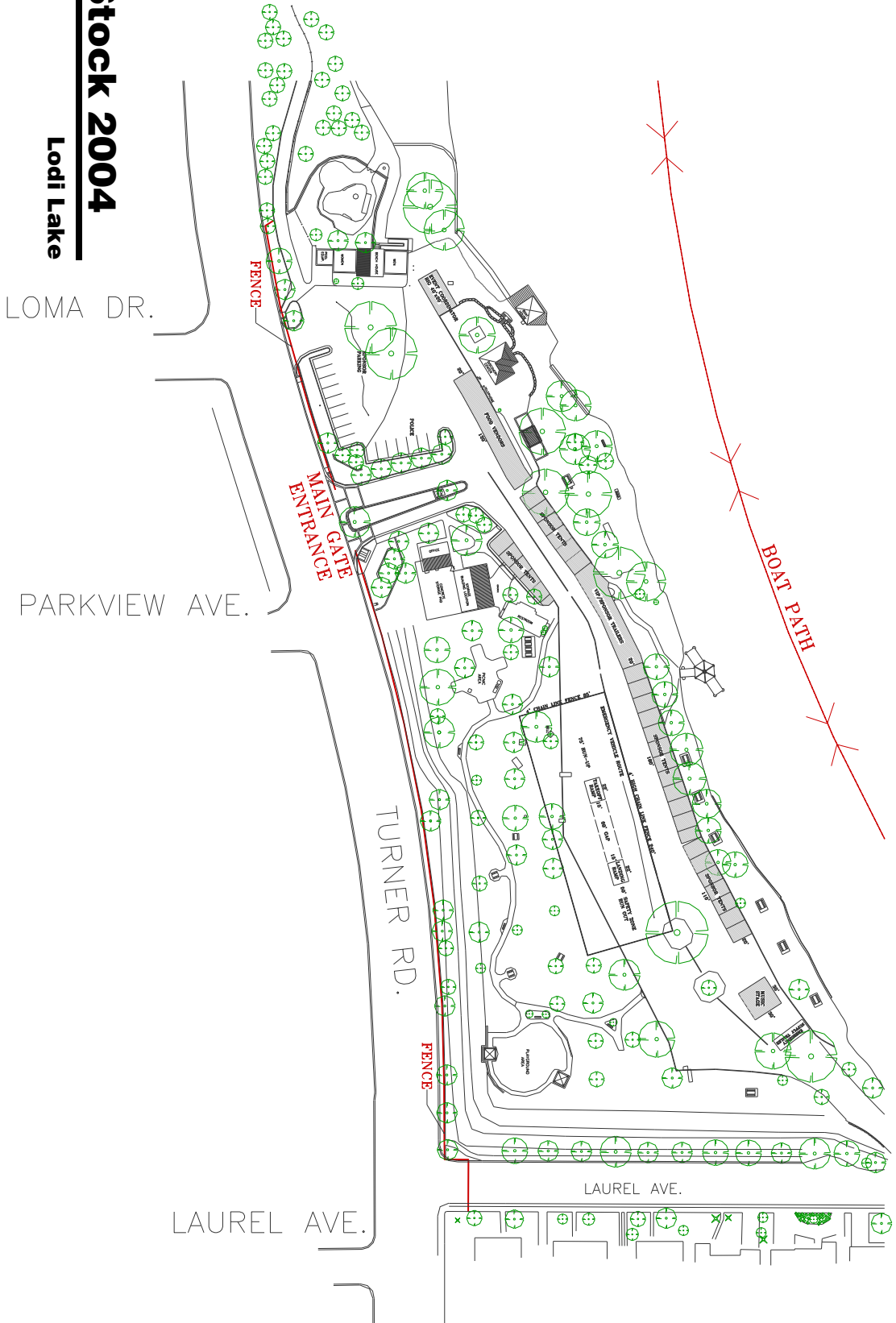
# Lodi Lake





# Board Stock 2004

Lodi Lake





RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE USE OF LODI LAKE BY  
BOARDSTOCK PROMOTIONS, INC.

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the use of Lodi Lake by BoardStock Promotions, Inc. for the first annual BoardStock event to be held October 2-3, 2004; and

BE IT FURTHER RESOLVED that staff is hereby authorized and directed to negotiate the rental agreement, which shall be brought back to the City Council for final approval prior to the event.

Dated: January 21, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held January 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Update regarding audit (agreed-upon services) of Envision Law Group's billings  
**MEETING DATE:** January 21, 2004  
**PREPARED BY:** Deputy City Manager

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**RECOMMENDED ACTION:** That the City Council receive an update regarding the audit of agreed-upon procedures of Envision Law Group's billings.

**BACKGROUND INFORMATION:** At the request of Mayor Hansen, this item is placed on the agenda to allow for a verbal update regarding the status of the audit of the Envision Law Group's billings.

**FUNDING:** Not applicable

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Janet S. Keeter  
Deputy City Manager

JSK/sl

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APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion And Possible Action Regarding The Positions Of Interim City Attorney And City Attorney And The Retention Of Special Counsel To Advise And Assist The City Attorney's Office As Assigned

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** That the City Council discuss and take possible action regarding the positions of Interim City Attorney and City Attorney and the retention of special counsel to advise and assist the City Attorney's Office as assigned.

**BACKGROUND INFORMATION:** This item appears on the agenda at the request of Mayor Larry Hansen.

**FUNDING:** Unknown (dependent upon Council action).

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Susan J. Blackston  
City Clerk

SJB/JMP

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Action Regarding Phase II Budget Adjustment Options

**MEETING DATE:** January 21, 2004

**PREPARED BY:** Deputy City Manager

**RECOMMENDED ACTION:** That Council discuss and take appropriate action regarding Phase II budget adjustments as presented by the City Manager.

**BACKGROUND INFORMATION:** As Council is aware, cities and counties are currently in a holding pattern regarding the potential impacts of the State's budget actions. The Governor has committed to backfilling the Vehicle License Fee (VLF); however, he has now proposed a different form of a State take-away from local Government under the guise of an ERAF shift of property tax. Preliminary indications show that the impact to local government will be commiserate with the VLF backfill gap (or in other words, 25% of the overall backfill). In Lodi's case, this amounts to approximately \$550,000.

Because of the budget uncertainties and the projected State budget turmoil, the City Manager is instituting a progressive budget reduction strategy comprised of three phases.

City Council adopted Phase I budget reduction recommendations during the December 17, 2003 Council meeting. The adopted recommendations included a total of \$224,350 in budget cuts over an 18-month period. As pointed out by the City Manager during the December 17<sup>th</sup> meeting, he would return with additional options as Phases II and III of his budget strategy. The City Manager will present an updated "General Fund – The Challenge" (Exhibit A), will review his Phase II suggested adjustments for immediate Council approval, and will additionally comment on Phase II options for future consideration. Attached (Exhibit B) is the list of Phase II General Fund Adjustment Options and additional Budget Adjustment Options.

The City Manager is recommending that Council approve the following as part of the Phase II City's mid-year budget adjustments:

Phase II	6mo. 2004	2004-05	Total 18 mo.	Value of GF Pos.
PERS Increase	51,946	189,940	241,886	3.72
Medical Rate Increase	(59,378)	(352,700)	(412,078)	(6.34)
General Liability	100,000		100,000	1.54
Additional VTO	(92,840)		(92,840)	(1.43)
Golden Handshake	200,000	400,000	600,000	9.23
Budget Survey -				
GF share of \$30,000	6,000		6,000	0.09
Unrestricted Capital	(1,116,000)	(1,116,000)	(2,232,000)	(34.34)
VLF Backfill "Loan" to be Repaid by State in 2007	555,000		555,000	8.54
Hire Freeze Additional	(506,684)		(506,684)	(7.80)
Fund Balance Adjustment	894,516	894,516	1,789,032	27.52
<b>Total of Phase II Needed</b>				
<b>Budget Adjustments</b>	<b>32,560</b>	<b>15,756</b>	<b>48,316</b>	<b>1</b>

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Additionally, as we proceed through the budget preparation process the City's recently approved public survey process will dovetail with final recommendations in April and May 2004.

**FUNDING:** Not Applicable

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Janet S. Keeter  
Deputy City Manager

JK/sl

Attachments

## General Fund -- The Challenge

	6 mo 2004	2004-05	Grand Total
<b>Adjustments to amounts budgeted</b>			
PERS increase \$	51,946	\$ 189,940	\$ 241,886
Medical rate increase	(59,378)	(352,700)	(412,078)
General Liability	100,000	-	100,000
Additional VTO	(92,840)		(92,840)
Golden Handshake	200,000	400,000	600,000
Budget survey - GF share of \$30,000	6,000		6,000
VLF backfill loan to State	555,000		555,000
Unrestricted Capital	(1,116,000)	(1,116,000)	(2,232,000)
Hire Freeze additional	(506,684)		(506,684)
Fund Balance Adjustment	894,516	894,516	1,789,032
sub total	<u>32,560</u>	<u>15,756</u>	<u>48,316</u>
Placeholder - Possible Impact -(VLF & Prop Tax)		1,000,000	1,000,000
\$	<u>32,560</u>	\$ <u>1,015,756</u>	\$ <u>1,048,316</u>
<b>Adjustments</b>			
Phase I adopted 12/17/03	(134,950)	(89,400)	(224,350)
Phase II to Council 1/21/04	4,973	(640,374)	(635,401)
	<u>(129,977)</u>	<u>(729,774)</u>	<u>(859,751)</u>
Phase III need at least if impacted by VLF		(188,565)	(188,565)

## General Fund Adjustments Options

	6 mo 2004	2004-05	Total 18 mo	Value of GF positions
<b>Phase II</b>				
PERS increase	51,946	189,940	241,886	3.72
Medical rate increase	(59,378)	(352,700)	(412,078)	(6.34)
General Liability	100,000	-	100,000	1.54
Additional VTO	(92,840)		(92,840)	(1.43)
Golden Handshake	200,000	400,000	600,000	9.23
Budget survey - GF share of \$30,000	6,000		6,000	0.09
Unrestricted Capital	(1,116,000)	(1,116,000)	(2,232,000)	(34.34)
VLF backfill "loan" to be repaid by state in 2007	555,000		555,000	8.54
Hire Freeze additional	(506,684)		(506,684)	(7.80)
Fund Balance Adjustment	894,516	894,516	1,789,032	27.52
Total of Phase II needed budget Adjustments	32,560	15,756	48,316	1

## Additional Budget Adjustment Options

## Administration

Reduction in supplies	(500)	(500)	(0.01)
Reduction in business expense	(1,000)	(1,000)	(0.02)

## City Clerk

Business expense	(3,000)	(3,000)	(0.05)
Conference expense	(2,000)	(2,000)	(0.03)
Professional services reduction	(8,000)	(8,000)	(0.12)

## Community Center

Part time interns in the Arts Division	(7,500)	(7,500)	(0.12)
Printing of class catalogs	(12,000)	(12,000)	(0.18)
Class advertisement in newspaper	(7,500)	(7,500)	(0.12)
Reduce overtime for support staff	(1,000)	(1,000)	(0.02)
Gift box program	(3,500)	(3,500)	(0.05)

## Finance

Suspend Administration function on Parking Citation program	(9,500)	(9,500)	(0.15)
Suspend JDE training	(15,000)	(15,000)	(0.23)
Suspend executive report publication	(5,000)	(5,000)	(0.08)
Use remanufactured toner cartridges rather than new	(500)	(500)	(0.01)

## Human Resources

Suspend assessment centers for promotional exams	(10,000)	(10,000)	(0.15)
Suspend annual health fair/safety awards/float fest	(8,000)	(8,000)	(0.12)
Suspend printing of newsletter	(1,900)	(1,900)	(0.03)

## Library

Internet access	(1,000)	(1,000)	(0.02)
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**General Fund Adjustments Options**

	6 mo 2004	2004-05	Total 18 mo	Value of GF positions
Parks				
Don't build donated indoor soccer project		(143,960)	(143,960)	(2.21)
Take public restrooms out of service if no sporting program (1 yr)		(3,000)	(3,000)	(0.05)
Suspend concession services at Grape Pavilion (1 yr)		(2,000)	(2,000)	(0.03)
Remove pay phone in front of Discovery Center		(600)	(600)	(0.01)
Edge monthly (1 yr)		(500)	(500)	(0.01)
Contract tree services on emergency levels only (1 yr)		(5,000)	(5,000)	(0.08)
Discontinue manual weed control (1 yr)		(2,000)	(2,000)	(0.03)
Operate in house food concessions/vending machines		(5,000)	(5,000)	(0.08)
Defer purchase of any new non-motorized equipment (1 yr)		(2,000)	(2,000)	(0.03)
Defer hiring of equipment mechanic intern (1 Yr)		(4,500)	(4,500)	(0.07)
Recreation				
Reduce supplies		(6,000)	(6,000)	(0.09)
Reduce Commission supplies		(3,000)	(3,000)	(0.05)
Police				
Supplies reduction		(15,000)	(15,000)	(0.23)
Overtime reduction		(21,000)	(21,000)	(0.32)
Public Works				
Reduce frequency of maintenance on medians to monthly (1 yr)		(25,000)	(25,000)	(0.38)
Reduce janitorial service to 3 times per week		(26,000)	(26,000)	(0.40)
Budget supplies Reduction		(151,461)	(151,461)	(2.33)
Travel Reduction	(23,831)	(117,157)	(140,988)	(2.17)
Business expenditure reduction	(3,756)	(26,052)	(29,808)	(0.46)
Audit property tax receipts				
Recycle more				
Centralize Printing				
Total Additional Budget Adjustment Options	(27,587)	(656,130)	(683,717)	(11)
<b>Total Phase II adjustments</b>	<b>4,973</b>	<b>(640,374)</b>	<b>(635,401)</b>	<b>(9.8)</b>





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt a resolution authorizing the City Manager to provide a Public Benefits Program grant to fund *Lodi's 2<sup>nd</sup> Annual Get Green Weekend* event (not to exceed \$25,000) (EUD)

**MEETING DATE:** January 21, 2004

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the City Manager to provide a Public Benefits Program grant (not to exceed \$25,000) to fund *Lodi's 2<sup>nd</sup> Annual Get Green Weekend* event.

**BACKGROUND INFORMATION:** Electric Utility staff is proposing the 2<sup>nd</sup> Annual *Get Green Weekend*. The intent of this activity is to showcase new and emerging technologies that are environmentally friendly. With the San Joaquin Valley's growing air quality issues, as well as California's overall water challenges, our *Get Green Weekend* event will promote several products designed to improve air quality and save water:

- on Saturday, March 13, 2004, from 7:00 am to noon, Lodi residents may purchase one (1) 24-volt, electric rechargeable lawn mower, manufactured by Black & Decker (the event will be held in the front parking lot of Temple Baptist Church, located at 801 S. Lower Sacramento Road);
- to participate, residents *must* show a current California drivers license, be a resident of Lodi, and present a City of Lodi utility bill;
- to participate, residents *must* turn-in a gas-fired lawn mower to receive the \$200.00 voucher for the purchase of the new, Black & Decker 24-volt, electric rechargeable lawn mower (the gas-fired mower *must* first be drained of oil and gasoline prior to the March 13, 2004 event);
- participating residents must purchase the new electric rechargeable lawn mower during the event on March 13, 2004; fifty (50) Black & Decker 24-volt, electric rechargeable lawn mowers will be available that day for purchase;
- in addition to the fifty (50) Black & Decker 24-volt, electric rechargeable lawn mowers, by way of this Council action, the City of Lodi Electric Utility proposes to provide ten (10) additional rebates (\$200.00 rebate per unit) for Lodi residents to purchase an electric rechargeable lawn mower from participating Lodi retailers that sell a 24-volt, electric rechargeable lawn mower, or equivalent equipment; and
- eligible customers will also have the opportunity to purchase one (1) electric rechargeable lawn/edge trimmer manufactured by Black & Decker; the rebate is \$50 on the day of the event, and a total of fifty (50) units will be available for purchase on March 13, 2004.

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

The City of Lodi Electric Utility will partner with SimsMetal of Stockton to haul away and properly recycle the used, gas-fired lawn mowers. The City of Lodi Electric Utility is also recommending to partner with the Black & Decker Corporation, which will provide the fifty (50) 24-volt, electric rechargeable lawn mowers and the lawn/edge trimmers, as well as staff, for the March 13, 2004 event.

*(Note: The City of Lodi Electric Utility offered a similar program in March of 2003, replicating a program coordinated by Sacramento Municipal Utility District (SMUD). It was determined that Black & Decker was the most appropriate firm to partner with for this project. The City of Lodi Electric Utility and SMUD have utilized Black & Decker on previous electric rechargeable lawn mower rebate programs, similar to the one proposed for March 13, 2004. Due to the success of SMUD's programs, as well as the Lodi 2003 effort, the City of Lodi Electric Utility respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070.)*

**Gas-fired mowers are considered environmentally non-friendly:**

- gas-fired mowers, statewide, emit over 8 tons of smog-forming emissions each day;
- in one hour, a gas-fired lawn mower emits the same amount of pollution as driving 650 miles in an eight-year old automobile;
- individuals refueling their lawn mower inadvertently spill roughly 17 million gallons of gasoline annually nationwide.

**Electric rechargeable lawn mowers and lawn/edge trimmers offer the following benefits:**

- they each cost approximately \$4 per year to operate (recharge);
- they produce less than half the amount of noise compared to gas-fired mowers and lawn/edge trimmers;
- they are clean-burning, and easier to start than gas-fired mowers and lawn/edge trimmers;
- the 24-volt, electric rechargeable Black & Decker lawn mower can mow up to 1/3 of an acre on one full charge.

Two new elements to Lodi's 2<sup>nd</sup> Annual Get Green Weekend will include the following:

- providing free shade trees\*, stakes, ties, and planting instructions to the first one hundred (100) eligible\*\* customers; and/or,
- offering free low-flow showerheads to the first one hundred (100) eligible customers.

*(\*Electric Utility staff, in concert with the City of Lodi Tree Operations Supervisor/Arborist, will identify the most appropriate shade trees for planting here in Lodi. Currently, several shade trees are being considered, including: Chinese Pistache, Red Maple, Tupelo Nyssa, and Scarlet Oak.)*

*(\*Eligibility requirement: to receive a free shade tree or showerhead, participants must be City of Lodi electric utility customers.)*

Trees planted in the appropriate location can provide shade during the warm spring and summer months here in Lodi, thus reducing the temperature inside a home; this in turn reduces the need to operate air conditioning systems. By using a central or single-room air conditioner less, customers will reduce their monthly energy expenditures. Low-flow showerheads, on average, use fifty percent less water, and are considered one of the simplest and most cost-effective water conservation tools on the market today.

The proposed budget for *Lodi's 2<sup>nd</sup> Annual Get Green Weekend* event is as follows:

- \$2,500 in rebates for lawn/edge trimmers;
- \$10,000 in rebates for lawn mowers purchased on March 13, 2004;
- \$2,000 in rebates for lawn mowers purchased at Lodi retailers in 2004;
- \$325 for the purchase of low-flow showerheads;
- \$3,500 for the purchase of shade trees, stakes & ties;
- \$5,000 for advertising and promotion of the event.

The City of Lodi Electric Utility respectfully requests approval of this project as a qualifying component of the City of Lodi Public Benefits Program, in the categories of Research, Development & Demonstration Services, as well as Renewable Energy Resource & Technologies.

**FUNDING:** 164607 & 164608 – Public Benefits Fund (Categories: Research, Development & Demonstration Services and Renewable Energy Resource & Technologies; \$12,500 from each account)

**Funding Approval:**

\_\_\_\_\_  
Vicky McAthie, Finance Director

\_\_\_\_\_  
Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Rob Lechner, Manager of Customer Service & Programs

ANV/RL/lst

cc: City Attorney

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO  
PROVIDE A PUBLIC BENEFITS PROGRAM  
GRANT TO FUND LODI'S 2<sup>ND</sup> ANNUAL GET  
GREEN WEEKEND EVENT

=====

WHEREAS, the state has mandated that beginning January 1, 1998, the City of Lodi is obligated to fund various programs through a Public Benefits Charge (PBC) based on a historical electric revenue requirement; and

WHEREAS, the requirement amounts to approximately \$1M per year that must be dedicated to qualifying programs such as energy efficiency. A further stipulation is that these efforts must be done on the customer's side of the meter in order to qualify; and

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

The Lodi Green Mower Project will work as follows:

- on Saturday, March 13, 2004, from 7:00 am to noon, Lodi residents may purchase one (1) 24-volt, electric rechargeable lawn mower, manufactured by Black & Decker (the event will be held in the front parking lot of Temple Baptist Church, located at 801 S. Lower Sacramento Road);
- to participate, residents *must* show a current California drivers license, be a resident of Lodi, and also present a City of Lodi utility bill;
- to participate, residents *must* turn-in a gas-fired lawn mower to receive the \$200.00 voucher for the purchase of the new, Black & Decker 24-volt, electric rechargeable lawn mower (the gas-fired mower *must* first be drained of oil and gasoline prior to the March 13, 2004 event);
- participating residents must purchase the new electric rechargeable lawn mower during the event on March 13, 2004; fifty (50) Black & Decker 24-volt, electric rechargeable lawn mowers will be available that day for purchase; and
- in addition to the fifty (50) Black & Decker 24-volt, electric rechargeable lawn mowers, the City of Lodi will provide ten (10) additional rebates, \$200.00 rebate per unit, for Lodi residents to purchase an electric rechargeable lawn mower from participating Lodi retailers that sell a 24-volt, electric rechargeable lawn mower, or equivalent equipment; and
- eligible customers will also have the opportunity to purchase one (1) electric rechargeable lawn/edge trimmer manufactured by Black & Decker; the rebate is \$50.00 on the day of the event, and a total of fifty (50) units will be available for purchase on March 13, 2004.

WHEREAS, City of Lodi Electric Utility will partner with SimsMetal of Stockton to haul away and properly recycle the used, gas-fired lawn mowers; and

WHEREAS, staff further recommends partnering with Black & Decker Corporation, which will provide the fifty (50) 24-volt electric rechargeable lawn mowers and the lawn/edge trimmers, as well as staff for the event;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to provide a Public Benefits Program grant to fund Lodi's 2<sup>nd</sup> Annual Get Green Weekend event, not to exceed the amount of \$25,000.00, and hereby approves the program as presented.

Dated: January 21, 2004

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I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held January 21, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Ordinance No. 1741 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Sections 12.06.070 'Exclusions from Benefit Fees,' 12.06.090 'Collection of Benefit Fee,' and 3.01.460 'Enforcement' Relating to Exclusions, Collection, and Enforcement of Various Fees"

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1741.

**BACKGROUND INFORMATION:** Ordinance No. 1741 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Sections 12.06.070 'Exclusions from Benefit Fees,' 12.06.090 'Collection of Benefit Fee,' and 3.01.460 'Enforcement' Relating to Exclusions, Collection, and Enforcement of Various Fees" was introduced at the regular City Council meeting of January 7, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP

Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

ORDINANCE NO. 1741

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
REPEALING AND REENACTING LODI MUNICIPAL CODE SECTIONS  
12.06.070, "EXCLUSIONS FROM BENEFIT FEES," 12.06.090,  
"COLLECTION OF BENEFIT FEE," AND 3.01.460, "ENFORCEMENT,"  
RELATING TO EXCLUSIONS, COLLECTION, AND ENFORCEMENT  
OF VARIOUS FEES

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 12.06.070 Exclusions from Benefit Fees - is hereby repealed and reenacted as follows:

- A. No person or business shall be required to pay a fee based on a residential use of the property within the area, or a nonprofit organization as defined by Section 501(c)(3) or 501(c)(6) of the Internal Revenue Service Code located within the area.

SECTION 2. Section 12.06.090 Collection of Benefit Fee - is hereby repealed and reenacted as follows:

Section 12.06.090 Collection of Benefit Fee/Enforcement of Benefit Fee:

- A. The benefit fee authorized by this chapter, for Lodi businesses (Section 12.06.050 hereof), shall be billed and collected once each year on January 1<sup>st</sup> and shall be delinquent on January 31<sup>st</sup> of each year. City will bill and collect the fees, at no charge to the area, and forward all funds collected to the area within thirty days of such collections. Late payment penalties shall be applied to businesses that are delinquent at the rate of 10% of the benefit fee per month on the first day of each month after the delinquency thereof; provided, however, the total amount of such penalty to be added shall, in no event, exceed 100% of the amount of the benefit fee due. At such time as late payment penalties equate to thirty percent of the total annual fee, action shall be taken to recover such delinquent fees. Costs of this recovery shall be borne by the business owing the fee and late penalties.
- B. The Finance Director shall diligently enforce the provisions of this Chapter. For purposes of such enforcement, the Finance Director and the Finance Technicians (or equivalent position as it may be renamed from time to time) are "officers" who may issue citations to violators of this chapter pursuant to Chapter 1.08 of the Lodi Municipal Code.
- C. Any person who violates any provision of this chapter is guilty of an infraction and is subject to punishment as provided in Chapter 1.08 of the Lodi Municipal Code.

SECTION 3. Section 3.01.460 Enforcement - is hereby repealed and reenacted as follows:

- A. Duties of the Finance Director. It shall be the duty of the Finance Director to enforce each and all of the provisions of this chapter. For purposes of such enforcement, the Finance Director and Finance Technicians (or equivalent position as it may be renamed from time to time) are "officers" who may issue citations to violators of this Chapter pursuant to Chapter 1.08 of this code.

- B. Inspections. The Finance Director, in the exercise of the duties imposed by the provisions of this section, and acting through deputies of duly authorized assistants, shall have the right to enter and examine all places of business free of charge during normal business hours to ascertain whether the provisions of this chapter are being complied with.
- C. Penalty for Violation. Any person who violates any provision of this chapter by transacting and carrying on any business, trade, vocation, enterprise, establishment, occupation, or calling in the city without first having procured a business tax certificate is guilty of an infraction and is subject to punishment as provided for in Chapter 1.08 of the Lodi Municipal Code.

SECTION 4. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

SECTION 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 7. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 21<sup>st</sup> day of January, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk  
=====



State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1741 was introduced at a regular meeting of the City Council of the City of Lodi held January 7, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held January 21, 2004, by the following vote:

AYES:	COUNCIL MEMBERS –
NOES;	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

I further certify that Ordinance No. 1741 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Ordinance No. 1742 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals and Welfare, Chapter 9.08 'Offenses Against Property' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating To Vehicles"

**MEETING DATE:** January 21, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1742.

**BACKGROUND INFORMATION:** Ordinance No. 1742 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 9 – Public Peace, Morals and Welfare, Chapter 9.08 'Offenses Against Property' by Repealing and Reenacting Section 9.08.150 of the Lodi Municipal Code Relating To Vehicles" was introduced at the regular City Council meeting of January 7, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/JMP

Attachment

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**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

ORDINANCE NO. 1742

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
AMENDING TITLE 9 – PUBLIC PEACE, MORALS AND WELFARE,  
CHAPTER 9.08 “OFFENSES AGAINST PROPERTY” BY REPEALING AND  
REENACTING SECTION 9.08.150 OF THE LODI MUNICIPAL CODE  
RELATING TO VEHICLES

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

**SECTION 1.** Section 9.08.150 “Vehicles” of the Lodi Municipal Code is hereby repealed and reenacted to read as follows:

**9.08.150 Vehicles.**

No person shall stop, park, or leave standing a vehicle at any time within or upon any posted property without written permission of the owner, tenant, or the occupant in legal possession or control thereof. Vehicles parked in violation of this requirement shall be removed at the vehicle owner's expense. Violations of this requirement are deemed to be an infraction.

**SECTION 2.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 3.** No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

**SECTION 4.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 5.** This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 21<sup>st</sup> day of January, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1742 was introduced at a regular meeting of the City Council of the City of Lodi held January 7, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held January 21, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1742 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

RANDALL A. HAYS  
City Attorney

Comments by the City Council Members on non-agenda items